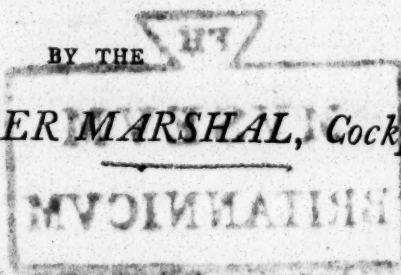


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THE
HISTORY
OF THE
UNION
OF
SCOTLAND AND ENGLAND.

STATING THE CIRCUMSTANCES
WHICH BROUGHT THAT EVENT FORWARD TO A CONCLUSION, AND THE
ADVANTAGES RESULTING FROM IT TO THE SCOTS.

BY THE

Rev. EBENEZER MARSHAL, Cockpen.

AUDENDO, AGENDOQUE RES ROMANA CREVIT, NON HIS SEGNIBUS
CONSILIIS QUÆ TIMIDI CAUTA VOCANT. *Liv. lib. 22.*

EDINBURGH:
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1799.

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TO
THE RIGHT HONOURABLE
ROBERT DUNDAS OF ARNISTON,
LORD ADVOCATE FOR SCOTLAND,
AND
DEAN OF THE FACULTY OF ADVOCATES;
THIS BOOK,
AS A SMALL TESTIMONY OF HIS RESPECT AND GRATITUDE,
IS HUMBLY DEDICATED,
BY HIM,
WHO HAS THE HONOUR TO BE,
HIS LORDSHIP'S
MOST OBEDIENT,
AND MUCH OBLIGED SERVANT,
EBEN. MARSHAL.

Cockpen, 24th April 1799.

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AT THE

POST-TESTAMENTARY

AND MUCH OBLIGED SERVANT,

EDWIN MARSHALL

P R E F A C E.

THOUGH the Union of the Kingdoms of Scotland and England be a very important and distinguished event, yet hitherto no history of it has appeared, which may be justly said to trace the causes, and regularly to narrate the various circumstances, which concurred in bringing it forward to a successful conclusion, or to state fully the advantages, which, from that Treaty, have resulted to the Scots. Defoe's History of the Union, is by no means a regular or an elegant composition, and is chiefly useful as a record of the proceedings of the Commissioners appointed from the two Kingdoms to manage the Treaty, and of the Scottish Parliament, while employed in deliberating upon the Articles of the Union. Encouraged by these circumstances, and by the recent steps which have been taken for uniting Great Britain, and the Sister Kingdom, I have presumed to give to the Public the following brief History of the Union of Scotland with England, which, perhaps, may serve to gratify, at the present period, the curiosity of some, and to inform others. Care has been taken

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ken to trace the causes, which disposed the two Realms to form an incorporating Union, and to point out the consequent improvements in commerce and wealth, which the Scots have derived from a participation of rights and privileges with the English. The political principles and views which actuated the different parties among the Scots, are stated with as much accuracy, as, amidst their frequent shiftings, the candid can expect. To enable me to do this, I have availed myself of all the means of information which my situation in the country left within my reach. I am particularly indebted to the Right Honourable the Lord Advocate for Scotland, for the access which his Lordship so frankly granted me to a valuable collection of books at Arncliffe; and to George Robertson Scot, Esq; for several books relating to my subject, with which he politely furnished me.

By perusing the following volume, the Reader will perceive into what a state of depression the Scots, by a train of unfortunate events, had fallen previous to the Union, and what inestimable benefits they have derived from the Treaty, which, at its formation, they so keenly opposed. Previous to the Revolution, says an elegant and celebrated Historian, Scotland

hence derived a portion of the active and adventurous spirit, for which that people are so much distinguished; and many of her sons have come forward into stations of power and influence, where their talents, exerted for the public good, on a more extended theatre than they could have found at home, reflect a glory on the Country that gave them birth, and on the whole British Empire.

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THE
H I S T O R Y
OF THE
U N I O N.

C H A P. I.

Attempts made to form an Union of the two Kingdoms by Edward I.—Henry VIII.—James VI.—Charles II.—and by William III.

THE island of Great Britain is formed to be the seat of one great empire. It has a territory that is extensive; and which, on every side, is defended by the ocean against the sudden incursions of a foreign foe. Separated from the other kingdoms of the earth; and, by its situation, defended from their invasion; it is chiefly exposed to danger from internal division and commotion. This circumstance pointed out early the advantages which behoved to arise from the extension of the same government over every part of the island; and from an union of interests among its inhabitants. Concord of exertion, from the one end of the island to the other, promised the full blessings of prosperity, and glory of power.

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THE advantages which behoved to result from the Union of the two hostile kingdoms, that from an early period divided the island, were soon discerned by the English Monarchs. They easily perceived that their exertions on the continent could not be made with full effect, while a formidable enemy was continually ready to fall upon their possessions within the island. Connected by alliance, and political interest with the French, the Scots, who inhabited the northern part of Britain, were frequently drawn by them into their quarrels with the English, and were of the most essential service to their cause. By their predatory inroads upon the English territory, the Scots diverted a part of the national force, and made it more easy for their allies to resist the arms of the common foe.

THE first of the English Monarchs who made an attempt for uniting, under the same government, the realms of Scotland and England, was Edward I. a Prince of distinguished capacity, but possessed of little generosity of mind. Edward had already added the Principedom of Wales to his other dominions, and he thought to have established his empire also over the Scots. By the arts of negotiation, and of peace, he at first tried to form the whole island into one great monarchy; and, when these were frustrated by the death of Margaret, the Norwegian Princess, [1290.] the sole remaining descendant of Alexander III. and heiress of the Scottish Crown, he had recourse to violence for

for the accomplishment of ends which alliance was no longer sufficient to promote. Unhappily, the situation of affairs in Scotland furnished him with an opportunity, and with a pretence for taking up arms against the kingdom, and for subjecting it to his controul. On the death of Margaret of Norway, three competitors arose for the Scottish Crown. Of these, Bruce and Baliol had the most decided claim; and, not likely to settle the dispute without contesting it by force of arms, they consented, with the approbation of the Nobles, to submit their pretensions to the arbitration of the English King. Upon an event so favourable to his ambition, Edward revived the futile claim of superiority over the kingdom of Scotland, and pretended to dispose of it as an appendage of the English Crown. By his sentence Baliol was seated on the throne; but even his pusillanimous mind revolted at the indignities which subverted the independence of the state, and he prepared to shake off the yoke which had been imposed. [1296.] This effect of a just resentment in the Scottish Prince, was by the English Monarch construed into an act of rebellion against a sovereign Lord; and, to chastise it, he levied a great army; marched it to the borders of Scotland; and soon over-run with it the whole kingdom.

BUT a brave and freeborn people were not so easily to be subdued; and did not tamely submit to claims that were founded only in usurpation. Under the conduct of Wallace, a bold, a wise, and

a celebrated leader, the Scots struggled keenly for the recovery of their independence; and they were successful, at different times, in repelling the invasion of a foreign, and a hostile power. Still, however, the distractions of the country, and the animosities of the Chiefs, where no supreme and decided authority remained to heal, or to controul them, exposed the kingdom to the repeated oppression of a Prince so active and politic as Edward I.

[1306.] AT last, Robert Bruce, the grandson of him who had been competitor for the Crown, appeared to vindicate his own right to the Throne, and the liberties of his country. The behaviour of Baliol had been so dastardly and mean, in resigning the nation to a foreign usurpation, that his subjects considered him as having thereby forfeited his right to their allegiance, and to the supreme power. The genius of Bruce, enterprising, vigorous, and brave, was more suited to the temper of the Scots, and they hesitated not in receiving him as the rightful heir of the Crown. At first, his career to victory and renown was checked by the arms of Edward, who anxiously desired the subjugation of the Scots: but the battle of Bannockburn, [1314.] in which Bruce, by his wisdom and valour, triumphed over Edward II. completed his establishment on the Scottish Throne, and the independence of the kingdom. The ungenerous and barbarous policy of Edward I. which was not, perhaps, inconsistent with the manners of his age, irritated the minds of

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the Scots, and created an aversion from his government which no force of arms was able to subdue.

THE attention of Edward had been at first turned to the affairs of Scotland, by the prospect of having his son married to the Norwegian Princess, the heiress of the Scottish Crown; and a view of the same nature, long afterwards, turned the thoughts of Henry VIII. to the Union of the two nations that divided the island. James V. of Scotland left behind him, to succeed him on his Throne, only one daughter, the beautiful, but unfortunate, Mary Queen of Scots. Mary was yet an infant, when grief, and trouble of mind for the shameful discomfiture of his army at Solway, carried her father to the grave. [1543.] Henry, apprised of an event which left the Scots to be connected with a foreign Crown, immediately entered upon a negotiation with the Regent and Parliament of Scotland for that purpose. He offered his son in marriage to the Scottish Princess; and proposed terms of Union for the two kingdoms, which were advantageous for the Scots, and which promised to prevent the contentions and wars that impaired the general prosperity of the island. Sir Ralph Sadler was the English Ambassador in Scotland; and he was able to conclude a treaty upon the following conditions: * That the infant Queen should remain in Scotland till she arrived at ten years of age:

That

* Hume's Hist. Chap. xxxiii.

That she should then remove into England to receive her education : That six Scottish Noblemen should be delivered to Henry as hostages ; and that, notwithstanding its Union with England, Scotland should still retain its privileges and laws.

THOUGH, by means of certain Noblemen whom Henry had gained to his party, the Scottish Parliament had consented to these articles, they were far from being acceptable to the great body of the nation, where a sense of injury was yet recent ; and where the feelings of aversion were strong. This dissatisfaction with the treaty, was cherished and augmented by the artful insinuations of Cardinal Beaton, a man intriguing and ambitious, who viewed an Union with England as the ruin of his Order, and the overthrow of the Catholic Faith. This cunning, and this ambitious Prelate, represented the treaty with England as involving in it the renunciation of the independence and supreme honours of the kingdom, and the subjection of the nation to a foreign dominion ; and, while he thus argued, he was heard with attention by a people who, from habits of education, and of hostility, were naturally averse from English power. By representing to him the aversion of the nation from the measure which was then pursued, the Cardinal was able to intimidate the irresolute mind of the Earl of Arran, who was Regent of the kingdom, and effectually to prevent the ratification of the treaty which had been made with the English Monarch. The French party in Scotland, at the head of which
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the Cardinal was, and of which he was the foul, now directed all the great measures of the State; and defeated the hope of peaceably uniting the two Crowns, by the marriage of the Scottish Princess with the Prince of Wales.

HENRY was not of a temper that was disposed tamely to submit to the indignity which was offered to him by the Regent, in refusing to ratify the treaty, and in opposing his plan of setting on the same head the Crowns of Scotland and England. He prepared, by the force of arms, to constrain the Scots to accept of the proposed alliance. [1544.] A great army was collected, and transported by sea to the coasts of Scotland. The sea forces were commanded by Dudley Lord Lisle; and the land, by the Earl of Hertford, a General of a celebrated name. As the Scots were unprepared to oppose him, the English General easily put his troops on shore near Leith. That town fell into the hands of the enemy; and the city of Edinburgh was pillaged, and set on fire. After he had spoiled the capital, Hertford directed his march eastward; and, being joined by a new body of forces from England, he laid waste the country around, and burned and destroyed the towns of Haddington and Dunbar. Having committed much devastation, the English General, on the approach of some Scottish troops, gathered together by the Regent, retreated to the borders of England.

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THE rudeness, and the violence, so suited to his temper, with which Henry pushed on the measure of an Union of the two kingdoms, disgusted the Scottish nation, and fixed in opposition to it the mind of every party. So much was the heart of the English Monarch set on uniting the whole island under the same government, that he relinquished not the care of it, even on the brink of the grave. With his dying breath he had recommended the scheme of marrying his son to the Scottish Princess. * And Hertford, now, upon the decease of that Monarch, invested with the high office of Protector of the kingdom of England, and honoured with the title of Duke of Somerset, resolved to carry it, if possible, into execution. [1547.] He raised an army of eighteen thousand men, and equipped a fleet of sixty sail for subduing the Scots, and forcing them into his measures. And, that argument might not be wanting to support the power of arms, he published a manifesto, in which he set forth the advantages that would arise from uniting, by marriage, the Scottish and the English Crowns. Nature, he said, seemed to have originally intended the island for one empire; and having cut it off from all communication from foreign states, and guarded it by the ocean, had pointed out to the inhabitants the road to happiness and security. With nature, the sameness of language, of manners, and of laws, concurred in persuading them to friendship and to Union: and now, in the course of events, the opportunity

* Hume's Hist. of England, Chap. xxxiv.

portunity was presented to them of becoming one people, and of removing for ever the grounds of discord and of contention, which a difference and jealousy of interests produced : The Crown of Scotland had descended to a female, that of England to a male ; and both the rank and the age of the two Sovereigns pointed out the propriety of their Union. He further stated the arts of improvement which would be cultivated by the Scots, and the advantages which would arise to them from the constant enjoyment of peace, and of concord.

As the Scots continued to discover a rooted aversion from the English alliance, Somerset found it necessary to have recourse to the force of arms for their submission. Having passed the boundary of the two kingdoms at Berwick, he directed his march towards Edinburgh. At Faside, he first discovered the Scottish army, who were advantageously posted near to the Esk, and who were double in number to the English troops. The Protector, after viewing the Scottish camp, saw that it would be an enterprise of difficulty and of danger to make an attack upon it ; and, therefore, he proposed to the Regent of Scotland to draw off his army, and to repair the ravages which it had committed, upon condition that the Queen should not be contracted to any foreign Prince, and be detained at home, until she arrived at the age of choosing for herself. The Scots rejected these terms, and observing the English General moving towards the sea, and his fleet appearing at the same time, they

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rashly concluded, that fear was pushing him on to a retreat. They quitted their strong encampment, in hope of falling upon an intimidated enemy, and fighting the English on the plain, were discomfited, and slaughtered in the spirit of fierceness, and of revenge. Ten thousand of the Scots were killed in the battle, and in the pursuit. The Queen Dowager and the Regent fled to Stirling. Somerset reaped no great advantage from this decisive victory. The situation of affairs in England made it necessary for him there to return, for the maintenance of his own influence, against the intrigues of his enemies; and the Scots became more incurably and obstinately averse from measures, that were urged upon them with all the fiercest havock and devastation of war. *

BUT the period was now fast approaching, in which the course of providence was to bring about an event, that policy and arms had in vain been employed to fulfil. Upon the decease of Queen Elisabeth, James VI. of Scotland, as next heir to the Crown, to the great satisfaction of all who were attached to the Protestant religion and general prosperity of the island, ascended the English throne. It is impossible not to admire the goodness of that providence, which preserved from the dangers

* The Earl of Huntly, in speaking of the marriage which the English proposed, and of the manner in which they prosecuted it, said humorously, that he disliked not the match; but he hated the manner of wooing.

Hume's Hist. Chap. xxxiv.

dangers of infancy; from the furious contentions of faction, and the misguided zeal of bigotry, the life of this Monarch, so necessary to the security and happiness of the kingdoms over which he ruled. One of his first, and of his chief cares, after taking possession of the English throne, was to form into one people, the inhabitants of his ancient, and of his new dominions; and to suppress, for ever, the animosities, which mutual injuries in war had kindled in the breasts of his Scots and of his English subjects. And success had not been wanting to his generous care, had not the English been jealous of his predilection for the Scots. [1604.] In compliance with the will of the Sovereign, Commissioners were appointed by the Parliaments of Scotland and England, to meet and treat of an Union; but were restricted from doing any thing that was to prejudice or hurt the fundamental laws, or ancient privileges, offices, and liberties of the kingdoms.* The Commissioners of both kingdoms met at Westminster, and drew up certain articles, which included an abolition of all hostile laws existing in the one state against the other; a communication of commercial privileges, and of trusts and honours. But the more solicitous the King was for the conclusion of a measure which was fraught with innumerable blessings to his people, the more the English Parliament was disposed to cross and to oppose it.† In the House of Commons,

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and

* A Discourse upon the Union of Scotland and England, 1702, p. 11.

† Spottiswood's Hist. p. 505.

and in the Convocation, some violent invectives were pronounced against the Scots, and against an Union with them. In the Convocation, Dr Fuller compared the Union of the kingdoms, to the breaking down of a hedge betwixt a barren and a fruitful field; by which the lean cattle would be let in among the fat, and make all lean together. The only benefit that resulted from this treaty was, the extinction of all hostile laws made in the one kingdom against the other. The urgency of his own mind, so blinded the King, that he saw not the impossibility of overcoming at once, the aggregated power of inveterate prejudices and animosities, and that time was necessary to soften and to destroy it. A long period of years, passed in the mutual intercourses of peace and friendship, has scarcely yet worn out the traces of national antipathies in north and south Britons.

THOUGH, during the reigns of James, and of Charles I. the nations had not been incorporated in one, but still continued to possess their independent honours, and separate interests, yet the Scots had been permitted to enjoy considerable privileges in trade with the English. Upon the restoration of Charles II. to the throne, of which his father had been so unjustly deprived, these privileges were greatly abridged by the Navigation act, and by exorbitant impositions laid upon commodities carried from England to Scotland *. All merchandise

* A Discourse upon the Union, 1702, p. 69.

handife that was brought out of Scotland, or carried into it, behoved, by an act of the English Parliament, to pass by or through the towns of Berwick or Carlisle. At these towns, the custom demanded for a horse passing into Scotland, was L. 1 Sterling; for a mare, L. 6 : 6 : 8; for every quarter of wheat, 5s. 4d.; of rye, 4s.; of pease, 4s.; of big and barley, 2s. 8d.; and of oats, 1s. 4d. These grievances, by which their commerce was oppressed, were represented by the Scots to the English Privy Council, [1668.] and for their redress, a treaty of Union was afterwards proposed. The Scottish Parliament passed an act, [1670.] enabling his Majesty to nominate for the Kingdom certain Commissioners to treat with the English about an Union, but they reserved for themselves, the confirmation of whatever should be concluded. When the Commissioners met, the King proposed, as the basis of the treaty, that their civil and ecclesiastical laws should be preserved entire to both kingdoms: That the two kingdoms should be inseparably united into one Monarchy under him, his heirs and successors: That both Parliaments should be incorporated into one; and, that all privileges regarding trade, and other advantages, should be stated and ascertained. The terms proposed by his Majesty, enforced a closer union of the Kingdoms, than suited the views of the leading men among the Scots; * some of whom were, at this period, among the chief favourites

* An Enquiry into the reasonableness and consequences of an Union with Scotland, 1706. p. 79.

favourites at Court, and were willing to sacrifice the best interests of their country to their own ambition, and to the arbitrary measures of the Sovereign. The Scottish Commissioners insisted upon the reservation of the fundamental privileges and rights of the kingdom; and that all the Members of the Scottish Parliament should be Members of the Parliament of the United State. They also demanded, that from the Courts of Law in Scotland, there should be no appeal to a British Parliament, and that the laws in no case should be alterable by it. The Duke of Lauderdale, a man of the most unbounded avarice, and of the most arbitrary mind, then managed at his pleasure the affairs of Scotland; and the conditions of Union, demanded by the Scottish Commissioners, discover the dark and ungenerous spirit of his councils. At that period, the Scots groaned under the heavy rod of oppression; and to have shut them out from the means of redress, would have been a perpetuating of their grievances, and their misery. It is one of the advantages which now flow to the Scots, from the Union of the kingdoms, that their liberty rests on the same foundation with the freedom of the English; and that they partake in the councils, and in the decisions of a liberal and of an enlightened people. The retention of so great a part of their independence, and the wish which the Scots had of acquiring so great an influence in the government, were matters to which the English Commissioners would not give their consent: accordingly, no agreement could be formed;

med; and hence Scotland, for some years longer, was left to languish under the hand of rapacity, and the distressing restrictions of trade.

AFTER the Revolution, the spirit of the Scottish nation, which had been broken by the oppression of the two former reigns, began to revive. A spirit of commercial enterprise was then excited in the country, by the return of those who had fled to Holland, from the tyranny and persecution of the two preceding reigns, and who had there observed the immense wealth that was gathered from an extensive trade *. This temper in the nation was encouraged by the government, chiefly with a view to overcome that general disgust which had been produced by the barbarous massacre of Glencoe. The patriotic persons, whose minds had been roused to enterprise by the observance of foreign exertion and wealth, applied to Parliament, [1693.] and obtained from it an act for the encouragement of commerce; and which sanctioned the establishment of companies or societies, for extending the trade of the country to foreign and to distant parts. Upon this security and countenance from the Legislature of the kingdom, a company was formed, whose stock was to be employed in extending the commerce of the nation to the Indies, and the coast of Africa. Very ample privileges were bestowed by Parliament upon this new company, and confirmed by his Majesty, [1698.] comprehending an immunity from taxes and impositions,

* Campbell's Lives of the Admirals.

tions, for the space of twenty-one years. Thus protected by the sanctions of law, the company projected the scheme of a settlement on the Isthmus of Darien, and fondly concluded, that by an establishment in this central situation, they would be able to draw to themselves the commerce and the wealth of the Eastern, and of the Western world. So plausible were the views of commercial advantage which the scheme presented, and so flattering were the privileges which by law were secured to the Company, that many, both at home and abroad, were eager to have a share in its stock. Notwithstanding the opposition which was immediately raised by the English East India Company to the Company of the Scots, and the discouragements which his Majesty was constrained to put in their way, they were able to obtain, for the execution of their plan, a subscription of L. 400,000 *. Upon this stock, a Colony was sent forth to the Isthmus; but the same spirit of commercial jealousy which had opposed their interests in Europe, withstood there also the success of the Scottish Company, and brought ruin on their Colony, and their affairs.

[1700.] WHEN the failure of this unfortunate enterprise, on which so great a part of the property of the nation had been employed, and from the prosperity of which such unbounded wealth had been expected, was certainly known at Edinburgh, it is impossible to describe the rage which seized the people, or the bitterness of mind with which they

* Hist. New Caled. Chap. iii.

they uttered their complaints against the supposed authors of their misfortune. * They even accused the King himself, of opposing the settlement at Darien, from his partiality for the Dutch, who carried on from Curacoa, an advantageous trade among the Spanish colonies. † The flame of discontent which this unfortunate event kindled in the nation, was artfully fed by the friends of the House of Stuart. All ranks of men seemed to be desirous of asserting the rights of the kingdom; and an address, which was drawn up and sent about for subscription, and the design of which was to represent to his Majesty the necessity of an immediate sitting of Parliament, and which seemed to demand compliance with it by the threatenings of an armed force, was signed by a great majority of the Members of Parliament. So strong was the ferment, which every where wrought throughout the nation, that most men dreaded its bursting forth into proceedings

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* Tindal's Continuation, vol. 19. p. 59 & 60.

† How much the Scots were disposed to consider King William III. as an opponent of the Darien settlement, appears from what is related in a letter from the Earl of Melvil to Mr Carstares. When it was known at Edinburgh, that the Spaniards had attacked the Colony, but had been repulsed, the rabble, headed by the friends of the Colony, gathered together on the night of the 20th June, and called for illuminations. The windows that were not illuminated were immediately broken by the mob, who directed their fury particularly against the houses of those that were in the administration. They ordered the music bells to be played, and the first tune they called for was, "Wilful Willie, wilt thou be wilful still." Carstares' Papers, June 27th 1700.

ceedings of extreme violence. And this it would have done, had not means been employed by his Majesty, and by his Ministers, for allaying the heats and the animosities which now prevailed among the Scots.

His Majesty William III. seems not, at any time, to have rested with full confidence on the general attachment of the Scots to his person and government. From this cause it was, that he turned the Convention, which had made him the offer of the Crown, into a Parliament, and continued it, without a new election, the whole of his reign. And now, the discontents which so strongly agitated the general mind of the nation, encreased his apprehension of violence, and of separation, from the measures which animosity might adopt; and nothing, he plainly saw, could more effectually preserve the peace of the whole island, than an Union of the two kingdoms. [1700.] That measure, therefore, he recommended to the English House of Peers; and, in compliance with his desire, a bill was there passed, authorising certain Commissioners of the realm of England, to treat with the Commissioners of Scotland, for the weal of both kingdoms. * This bill was lost in the House of Commons, where the measures of the Court were opposed, by those who were pleased with occurrences that involved in perplexity the administration of the government, and who

* Tindal's Continuation, vol. 19. p. 58.
Smollet's Hist.

who were unwilling to lessen the discontents of the Scots.

ABOUT the same time, other great events occurred, which turned the mind of his Majesty more towards the Union of the two kingdoms. These were, the death of the Duke of Gloucester, the presumptive heir of the British throne; and the opening of the Spanish succession. On the death of the Duke of Gloucester, an act was passed by the Parliament of England, limiting the succession of the crown to the Protestant line; and, upon the decease of his present Majesty and the Princess Anne, without heirs of their own body, bestowing it on the Princess Sophia, Electress Dowager of Hanover, and on her posterity. But, though the Parliament of England, by the destination of the crown, and by limitations prescribed to the successor, had provided for the safety of their religion and their liberty; yet the Scots had not done so: And, by adopting measures that corresponded not with the views of the English, they had it in their power to render the general peace and prosperity of the island insecure, and to prevent it from making such exertions abroad, as the general interests of Europe might require. This was a state of things, to which the political principles of his Majesty urged him to apply a remedy; and the only effectual one which he perceived, was, to form into one people, under the same government, the two nations over which he ruled. And, with this view, he pressed the House of Commons to resume the

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consideration

consideration of an Union of the two kingdoms; and in his letter to them, expresses it to be his full conviction, "that nothing can more contribute to the present and future security and happiness of England and Scotland, than a firm and entire Union between them." * However, at this time no farther progress was made towards a treaty; as his Majesty was unwilling to dissolve the Parliament in Scotland, and to call a new one, while the resentments of the nation run so high; and without doing this, objections, it was urged, might be made to a treaty, formed by a Parliament that might not be considered as a legal and constitutional representation of the kingdom.

WHILE William III. was endeavouring to turn the unanimous efforts of his dominions towards the repressing of the exorbitant power of France, and the preventing of an alarming addition to its influence in the Spanish succession, he died on 8th March 1702. And thus ended a life as active and beneficial as any which modern history records. The great aim of his political career had been, to oppose the encroachments, and to set bounds to the ambition of Lewis XIV. The unjustifiable invasion of the Dutch territory, made by the French Monarch in 1672, had sunk deep into his mind, and created there a continual jealousy and dread of a power, which the force of arms alone was sufficient to restrain. He was the bulwark of the Protestant interest,

* Tindal's Continuation, vol. 19. p. 443.

interest, and of the liberties of Europe. And one great motive for his acting the conspicuous part which he did in the Revolution of England, was, the correcting of the miserable politics of James VII. and the forming, at the head of the English government, a confederacy that should set at defiance the aspiring arms of France. To Britons, his name will be for ever dear; for to him they owe that happy constitution which is the glory of their island, and the envy of the nations; and which, assigning to the different orders of the state their distinct rights, secures the liberty of the whole, equally from the violence of faction as from the encroachments of power.

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C H A P. II.

Accession of Queen Anne.—Scottish Ministry.—A Session of Parliament.—Commissioners appointed to treat of an Union.—The Convention Parliament dissolved, and a new Parliament called.—The State of Parties in it.—Character of Fletcher of Salton.—Violent opposition to the measures of the Court.—Parliament adjourned.—Some promotions made.—A new Session of Parliament, and the Marquis of Tweeddale appointed Commissioner.—The measures of Ministry keenly opposed.—Act of Security passed and ratified.—The English alarmed at the proceedings of the Scots.—A new Parliament called in England, and change made in the Ministry.—A new Ministry in Scotland, and a new Session of Parliament.—A majority in favour of a treaty with England, and an Act for that purpose passed and ratified.

UPON the death of William III. Anne, espoused to Prince George of Denmark, and daughter of James VII. ascended the throne. At the period of his death, William III. stood at the head of a formidable league, formed by his influence against the encreasing power of France; and was preparing, by the most vigorous efforts, to set a Prince of the House of Austria on the Spanish throne.

throne. The measures which his Majesty had adopted, were so visibly calculated to promote the general interests of the European states, that his successor on the throne hesitated not in resolving to pursue them with all the strength and the ability of her dominions. But, to be able to give vigour to her counsels and her arms abroad, she was sensible, that concord and unanimity must prevail at home, and that no door was to be left open, by which a foreign interest should be capable of exciting commotions in the heart of the Empire. Accordingly, in her first speech to Parliament, her Majesty recommended an Union of the two kingdoms, as a matter that was necessary to the internal peace and security of the island. "I cannot," she said "but think it very necessary upon this occasion, to desire you to consider of proper methods, towards obtaining of an Union between England and Scotland, which has been so lately recommended to you, as a matter that very nearly concerns the peace and security of both kingdoms." [1702. March 11.] When the business of uniting the kingdoms of England and Scotland, fell under the consideration of the House of Commons, it was opposed by many of the favourites at Court; and such indecent reflections were made by them upon the Scots, as tended to irritate their minds, and to encrease the differences and animosities which now subsisted betwixt the two nations. The recommendation of her Majesty was, however, effectual to procure, from both Houses of Parliament, a bill, which empowered her

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to name Commissioners for treating with the Scots about an Union.

* THE Scottish Parliament met on the 9th of June. Her Majesty was represented in it by the Duke of Queensberry, a Nobleman of distinguished talents; polite, affable, and insinuating in his address, and who, from the period of the Revolution, had steadily adhered to the principles upon which it had been formed. His manners, his rank, his favour with the Sovereign, his political principles, gave him a deserved influence with many of his countrymen, and set him at the head of those who supported the Revolution, and the Protestant succession. His administration was opposed by the Duke of Hamilton, the chief of the country party, that had grown up from the discontents and grievances of the nation, † and to which the Jacobites added all their influence. Immediately upon the opening of the Session, the Duke of Hamilton protested against it as unnecessary and illegal, as all the purposes of securing and preserving the peace and safety of the kingdom, of defending the Protestant religion, and of maintaining the succession, which could have justified such a measure, were fully answered by her Majesty's happy succession to the throne. ‡ When he had done this, he withdrew from the House, and was followed by seventy-nine Members,

* Guthrie's Hist. of Scotland.

† Hist. of Parliament of Scotland 1703, p. 2.

‡ Tindal's Continuation, p. 90. vol. 20.

Memoirs of Scotland, p. 14.

Members, who received, as they passed along the street, the shouts of the multitude. The other Members continued, notwithstanding this great secession, to sit and act; and, on the 25th, an act was passed, enabling her Majesty to appoint Commissioners for treating of an Union between the two kingdoms. Some of the Members, who could not obtain the insertion of a clause respecting the Presbyterian Church government, dissented from this act.

THE Queen, according to the powers with which she was entrusted by the Parliaments of Scotland and England, proceeded to name Commissioners from both kingdoms to treat of an Union. * [1702.] They met on the 22d October, at the Cockpit, Westminster, where the business was opened by the reading of both Commissions, and by speeches from the Lord Keeper Wright, on the part of the English, and from the Duke of Queensberry, on the part of the Scots. It was concluded, as one of the preliminaries, that nothing upon which they should agree, should be binding, unless it were ratified by her Majesty, and the Parliaments of their respective kingdoms; and that, unless the whole articles proposed

* The Scottish Commissioners were, the Duke of Queensberry, the Duke of Argyle, the Marquis of Annandale, the Marquis of Lothian, the Earl of Seafield, the Earl of Hyndford, the Earl of Leven, the Viscount Tarbat, the Viscount Stair, the Lord Galloway, the Lord Boyle, Sir James Stuart, Sir George Maxwell, Sir James Smollet, Sir Alexander Douglas, Sir David Dalrymple, Sir Patrick Johnston, Mr Montgomery, Mr Scrimgeour, and the Provost of Aberdeen.

posed in the treaty were agreed to, no one of them should be binding. On the part of the English Commissioners, it was proposed by the Lord Keeper, that both nations should be united in one Monarchy, under her Majesty, her heirs and successors, and under the same limitations as had been stated in the acts of Settlement. To this article the Scottish Commissioners gave readily their assent, and proposed that both nations should be formed into one Monarchy, having one Parliament, and enjoying a mutual communication of privileges and trade. And they also stated it as another condition of the Union, that their Company, trading to Africa and the Indies, should be secured in all its rights and privileges. * The coolness and indifference with which the English Commissioners proceeded in the treaty were extreme; and the objections which they stated to the existence of the Scottish African Company, precluded all further progress in it. Here, therefore, the treaty rested, and the new Scottish Parliament, which soon afterwards was called by the Queen, annulled the powers of their Commissioners.

† THE persons to whom the management of affairs had been committed in England, were little disposed to prosecute an Union of the two kingdoms; they had no desire of imparting to the Scots, privileges that would have relieved them from the commercial restrictions under which they languished,

* Defoe's Hist. of the Union.

† Defoe's Hist. of the Union. Smollet's Hist. of England.

languished, and they were not dissatisfied, that the succession to the Scottish throne was left still undetermined. The failure of their favourite settlement at Darien, and the indifference with which their requests were heard in this treaty of Union, left the Scots to look with regret on the depth of their depression, and made them sensible how impossible it was to extend their commerce, without a participation of privileges with the English. Hence, among the Scots, it became a popular topic of discourse, to declaim against the influence of English counsels and power; and such was the hatred which was taken up by the people against the English, that it broke forth into acts of extreme rigour and asperity.*

So little was the authority of this last session of Parliament regarded in the nation, that the supply granted by it to government, was raised with difficulty, methods of force being necessary, in many places, to the obtaining thereof.† To remedy this evil, notwithstanding the discontents which agitated the kingdom, it was resolved to call a new Parliament. But, previous to the election and meeting of Parliament, a change was made in the Scottish ministry. The Earl of Marchmont, Lord Chancellor; the Earl of Melvil, President of the Council; the Earl of Selkirk, Lord Register; Adam Cockburn of Ormiston, Treasurer Deputy;

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* Memoirs of North Britain, p. 124.

† Tindal's Continuation, vol. 20. p. 93.

Sir John Maxwell of Pollock, Justice Clerk; the Earl of Leven, Governor of the Castle of Edinburgh; and the Earl of Hyndford, one of the Secretaries of State, were all laid aside. The Duke of Queensberry, and the Lord Viscount Tarbat, were made Secretaries of State; the Earl of Seafield, Chancellor; the Marquis of Annandale, President of the Council; the Earl of Tullibardine, Lord Privy Seal; the Lord Boyle, Treasurer Deputy; Mr Roderick Mackenzie of Prestonhall, Justice Clerk; Sir James Murray of Philiphaugh, Lord Register; and the Earl of March, Governor of Edinburgh Castle. [March 6th 1703.] An indemnity was published by her Majesty, for all treasons and crimes committed against the state, antecedent to the date thereof; and, upon the publication of it, many who had forfeited their lives, by practices against the established law and constitution of the kingdom, under the late reign, returned from St Germain, and other parts of France, and qualified themselves for sitting in Parliament, by taking the oaths to government. The Duke of Queensberry, and the Earl of Seafield, employed their influence in procuring the election of such persons as should be disposed to forward the measures of the Court, and, by good management, they were able to persuade even some of the Jacobites into their views. Notwithstanding the influence which was now used to form a temper of compliance with the measures of the Court, the new Parliament of Scotland was composed of men who held principles, and who acted

acted from views, that were exceedingly opposite. The Duke of Queensberry still remained at the head of the administration, and under him were ranged those who favoured the Protestant succession, and who were desirous of fixing, without delay, the line of its destination. There was another party, whose thoughts were chiefly turned to the state of their country, who lamented the opportunities which had been lost, of securing, from their more powerful neighbours, an equality of privileges, and who were resolved not to fix the destination of their Crown, till a redress of their commercial grievances should be obtained. Of this party, the Marquis of Tweeddale, and the Duke of Hamilton, were considered as the leaders. A third party consisted of the friends of the dethroned family, and were under the management of the Earl of Hume, who had lately qualified himself for sitting in Parliament, by taking the oaths to the present government. Divided by their principles in politics, this Parliament was equally so by their religious sentiments.* The Episcopal party were in high hopes of making an effectual resistance to the Presbyterian interest, and of procuring at least a toleration, under which they might be called to the possession of benefices as well as the Presbyterians. The forward proceedings of the Episcopal party alarmed the Presbyterians, and made them so anxious for obtaining a ratification of

* Tindal's Continuation, vol. 20. p. 245. Hist. of the Scottish Parliament, 1703, p. 17.

of the Revolution settlement, that division was thereby thrown into the Court party itself. Such was that difference of sentiment which divided the Scots when the new Parliament assembled; and from such variety of principle, no wonder that an extreme heat of debate arose.

[1703.] THE Parliament met for the dispatch of business on the 6th of May. The Duke of Queensberry was Commissioner. Her Majesty's letter was read, in which she recommended to them the consideration of the state of the forces, forts, and garrisons of the kingdom, and the necessary supplies for maintaining the same; she also recommended to them the encouragement of trade, and that all methods should be taken for the advancement of it. Her Majesty's title to the throne was recognised, and it was declared to be high treason to quarrel or impugn the same. The Presbyterian church government was confirmed, and an act was passed ratifying the Convention Parliament, and making it high treason to disown the authority of it, or, by word, or writing, or any other open deed, to alter or innovate the Claim of Right, or any article thereof.

THE Duke of Queensberry had made some advances to the Jacobites,* and, by their aid, proposed to obtain the ends for which this session of Parliament

* Lockhart's Memoirs, p. 34.

Tindal's Continuation, p. 255. vol. 20. and p. 274.

ment had been called ; but in that expectation he was completely disappointed, by the strenuous opposition which was formed to his management by many of the Country party, and of the Revolutionists. The draught of an act of supply, which was now introduced, furnished the opponents of the Court party with an opportunity of discovering their sentiments. Among those who stood forward for the redemption of their country from the commercial oppression under which she groaned, were ranked the Duke of Argyle, the Marquis of Tweeddale, the Marquis of Annandale, and the Earl of Marchmont ; and such was the force with which the attention of the House was turned towards the assertion of the independence of the kingdom on English influence, that many of the friends of the Commissioner went over to the side of opposition. The draught of an act of supply was ordered to lie upon the table ; and no persuasion of the Commissioner was able afterwards to bring the House to the consideration, and the passing of it. The leaders in the opposition were resolved to grant no supply, until, by limitations on the successor to the Crown, they had secured the religion, the liberty, and independence of the kingdom from foreign influence. " I am so convinced," said a celebrated speaker in the Scottish Parliament, " of the necessity of doing this now, and not to delay it to another time, that I may truly say, if in this our day, we do not consider the things that tend so much to the happiness of this our nation and posterity, I am afraid such another day
" may

" may be hid from our eyes. Let us then up and
" be doing, since we have a Queen who will with-
" hold from us nothing that is for our advantage."
Accordingly, an act was framed for the security of
the kingdom; in which it was to be enacted, that
upon the death of her Majesty, without heirs of
her body, or a successor lawfully designed and ap-
pointed, the Estates of Parliament should be au-
thorised and empowered to nominate and declare
the successor to the Crown, and to settle the suc-
cession thereof in the Royal line of Scotland, and
Protestant religion, provided the same were not
the successor to the Crown of England, unless in
this present session of Parliament, or in any other
session of this, or of an ensuing Parliament, during
her Majesty's reign, such conditions of government
should be settled and enacted, as should secure the
honour and sovereignty of the Crown and King-
dom; the freedom, frequency, and power of Par-
liaments; the religion, liberty, and trade of the na-
tion from English, or any foreign influence. The
different clauses which were inserted into this cele-
brated act, which afterwards produced such alarm
in the English nation, were debated with extreme
animosity; and such was the heat with which the
minds of the opposite parties were inflamed, from
continued, and from keen debate, that, upon one
occasion, nothing was heard in the House, for the
space of two hours, but the cry of liberty, and no
subsidy.* The throne, says a party writer of that
period,

* Lockhart's Memoirs, p. 57.

period, being confounded with this vigorous appearance in behalf of the country, was at a stand, and knew not what hand to turn to. This fierce and tumultuous procedure, created in the mind of the Commissioner such apprehension, that the foot guards were ordered to be in readiness; and, for several days, a guard was stationed every night at the Nether-bow Port. The Commissioner perceiving the extremes into which a spirit of national dissatisfaction and rancour was preparing to run, and that every attempt for obtaining the necessary supplies was vain, called for such acts as he was authorised to pass, touched them with the sceptre, and then adjourned the Parliament to the 12th of October. Among the acts which received the Royal assent, was one which declared, that after her Majesty's decease, no King or Queen of Scotland should have power to make peace or war, without the consent of Parliament.

Such was the conclusion of this memorable session of Parliament, which produced a situation of things that pointed out the expediency and the necessity of an Union. Among the orators who employed their eloquence in painting the depression and dependence of their country, and in urging, as a mean of its relief, limitations on the successor to the Crown, was the much celebrated Andrew Fletcher of Salton. His mind was vigorous and ardent, cultivated by ancient and modern literature, but deeply tinged with the principles of republicanism. He was a man of the strictest honour, and

in no breast does the love of liberty appear to have burned with a purer flame ; or the desire of promoting the welfare of the state to have been more ardent. In the reign of Charles II. he had fallen under the resentment of those who managed the affairs of Scotland ; and, to avoid it, he left the kingdom. He attended the Duke of Monmouth in his unfortunate attempt against James II. and for this act of rebellion he was forfeited. At the Revolution he returned with the Prince of Orange ; but finding that matters were not to be settled according to his favourite principles, he employed his great talents in opposing the measures of the Court. *

[1703.] UPON the conclusion of this session of Parliament, some promotions were made among the Scots. The Marquis of Douglas, though a child, was made a Duke, as was also the Marquis of Athole. The Viscount of Stair, the Viscount of Roseberry, the Viscount of Tarbet, Lord Boyle, James Stuart of Bute, and Charles Hope of Hopetoun, were created Earls of Stair, Roseberry, Cromarty, Glasgow, Bute, and Hopetoun. John Crawford

* It is said, that when the Treaty of Union was concluded and ratified, he resolved to leave the kingdom ; considering it as a dishonour to live among men that were so venal and corrupted. When the day fixed for his departure arrived, his friends came around him, and entreated him to lay aside his resolution. Even as he was getting upon his horse, they continued to urge him not to quit his native country. But turning about to them, with a look of great indignation, he replied, That it was fit only for the slaves who sold it. Adam's Flowers of Hift. p. 235.

ford of Kilbirnie, and Sir James Primrose of Car-
 rington, were made Viscounts of Garnock and
 Primrose. These promotions had no effect in sof-
 tening the temper of the nation, or in diminishing
 the heats and discontents which were spread to e-
 very corner of the kingdom. About this time also,
 the order of the Thistle was revived by her Maje-
 sty, which had been neglected during the prece-
 ding reign. Argyle, Athole, Annandale, Orkney,
 and Seafeld, were the first who were honoured with
 it. The disgust of many among the Scots was en-
 creased, by the high credit which the Duke of
 Queensberry possessed at Court, which, at this time,
 was under a Tory influence; and by his practice of
 drawing out, to an unusual length, the sessions of
 Parliament; which so exhausted the appointments
 from the revenue, that his colleagues in office were
 thereby deprived of a portion of their emoluments.*
 The Duke offended the Revolutionists, by listening
 to the counsels of some who were suspected of an
 attachment to the house of Stuart; and he disgust-
 ed the Jacobites, by endeavouring to fix upon them
 the suspicion of plotting against the established go-
 vernment. †

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* Tindal's Continuation, vol. 20. p. 280.

† The Duke of Queensberry was supposed to have some se-
 cret design in the correspondence which he held with Fraser of
 Beaufort, who came over from the Court of St Germain, with
 a commission to raise forces for the service of the Pretender, and
 to command them. Fraser was noted for the infamy of his life;
 which was such, that he had been forcibly driven from his native
 country. Memoirs of Scotland.

* Fraser,

AMIDST the contentions and the disgusts of party, no supply for the military establishment of the kingdom had been procured; and no settlement of

‘Fraser,’ says Balfour, ‘had neither fortune nor principle, having been outlawed for a rape upon the Lady Dowager Lovat, sister of the Marquis of Athole. Thus abandoned, he repaired to the Court of St Germain, where he insinuated, that if the French King would furnish him with officers, ammunition, and money, he could raise such a body of troops in favour of the Pretender, as might be sufficient to place him on the Throne of Great Britain. Lewis seemed to promise him his assistance; but Fraser’s character was so infamous, that though he was sent back into Scotland, to use his interest amongst the Clans, two persons were sent along with him, to judge of his connections with the Jacobite Nobility, and to report to France how far he was to be depended on. Fraser, meanwhile, disclosed the affair to the Duke of Queensberry; and, as he pretended that what he had done was merely to sound the French King, for the security of Queen Anne’s government, the Duke encouraged him in holding a correspondence with the Jacobites. On the other hand, when he returned into France, he changed his story, and desired leave of Lewis XIV. to maintain a connection with the Scots Protestants, for the service of the Pretender.’ Balfour’s Hist. Scot. p. 273.

‘The Duke of Queensberry, having no hope,’ says the author of the Memoirs of Scotland. ‘of being able to stand it out against so violent and united a torrent, bethought himself how to undermine their reputations, and so diminish their interest with the Court; and that he might find a pretence for venting his wrath against those that thwarted his designs, did, with the special advice of his friends, resolve one way or other to frame such a plot, as, when lodged upon those against whom it was designed, should, in all probability, be their utter ruin and destruction.’ P. 75.

of the Crown in the Protestant line had been made. In the present circumstances of affairs, when the state was engaged in war, these were matters which it was not prudent to pass over in neglect. Accordingly, the interest of the Duke of Queensberry having failed to obtain the purposes for which it was employed, it was resolved to have recourse to the influence of a party more popular in the kingdom. The management of the public business of the nation was therefore committed to the Marquis of Tweeddale, a nobleman who was much attached to the interests of his country; and who possessed the confidence of many of the most considerable persons in Scotland. The Marquis was appointed Commissioner for the session of Parliament which was immediately to be held. Secretary Johnston, who had acted a distinguished part in the reign of William III. was appointed Lord Register; and was to aid, by his counsels and his influence, the Marquis of Tweeddale, in fulfilling the intentions of the Court. To gain over to their measures a majority in Parliament, they were permitted to impose upon the successor to the Crown, such limitations as had been established by the Scots in the year 1641.* By such concessions on the part of government, they trusted to be able to satisfy the

* Memoirs of Scotland, p. 109. The constitution of 1641, placed the whole administration in the hands of the Privy Council, during the King's absence, and allowed no Officer of State, or Judge, to be appointed, but by the advice of Parliament. Hume's Hist. Chap. 1v.

the minds of the scrupulous, and to form a temper of compliance with measures that were requisite to the permanency of the peace of the island, and to the success of the exertions of the empire abroad. And much had been accomplished by their address, had not the Duke of Queensberry, who was now laid aside from being Secretary of State, turned his influence to the side of opposition, that he might soften the resentments of the Jacobites against him. The aim of the Jacobitish party was, to prevent the nomination of a successor to the Crown, and its settlement in the Protestant line; and this, in the former session of Parliament, they had effected, by availing themselves of the cry for limitations; and, in this session, when they knew that these were to be granted, they prosecuted their views, by insisting upon a previous treaty with England, in relation to commerce and other concerns.

[1704.] THE Parliament met on the 6th of July. In her letter to them, her Majesty pointed out the great business for which they were assembled. "The main thing which we recommend to you, and which we recommend to you with all the earnestness we are capable of, is the settling the succession in the Protestant line, as that which is absolutely necessary for your own peace and happiness, as well as our quiet, and security in all our dominions, and for the reputation of our affairs abroad; and, consequently, for the strengthening the Protestant interest every where.

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"THIS has been," her Majesty continued to add, "our fixed judgment and resolution ever since we came to the Crown, and, though hitherto opportunities have not answered our intentions, matters are now come to that pass, by the undoubted evidence of the designs of our enemies, that a longer delay of settling the succession in the Protestant line may have dangerous consequences; and a disappointment of it would infallibly make our kingdom the seat of war, and expose it to devastation and ruin."

[July 13.] * To secure their great object, before the new administration could employ any persuasion or influence with the Members of the House, the Jacobites hastened to make a motion for a previous treaty with England. This procedure appeared to be so much for the present interest of the kingdom, that many of the Country party concurred with it. Accordingly, the Duke of Hamilton, in the beginning of the session, moved, "That Parliament should not proceed to name a successor to the Crown, until the Scots had a previous treaty with England in relation to commerce and other concerns." This early diversion of the attention of the Members of the House, from the chief purposes for which they had been called together, surprised the partizans of the Court, whose plan it was, to have soothed their minds, by fixing certain limitations on the successor; and then to have proceeded to the business of the Protestant succession, and

* *Memoirs of Scotland*, p. 116.

and to the supply ; drawn by the address of opposition into a line of procedure which they did not expect, the administration, for averting the evil, had recourse to delay, and were able to obtain it only for a few days. When these were passed, the Duke of Hamilton again resumed and urged the consideration of his motion. A warm debate ensued, in which Fletcher of Salton enlarged upon the hardships and miseries which the Scots had suffered since the Union of the Crowns, and represented the impossibility of being relieved from them, while no care was taken to prevent the designs that procured their continuance. To defeat the schemes of the Jacobites, with whom the friends of the Duke of Queensberry now acted in concert, the Earl Rothes proposed, that Parliament should immediately proceed to settle such limitations and conditions of government, as might be judged proper for rectifying the constitution, and for vindicating and securing the sovereignty and independency of the nation ; and that, after the discussion of these matters, they should proceed to the consideration of the resolve offered by the Duke of Hamilton, for a treaty, previous to the nomination of a successor to the Crown. The heat of debate was increased, by the different matters which were now brought under the consideration of the House, and severe reflections were thrown out against the Parliament of England, for their late proceedings in the plot which had been formed, by the friends of the house of Stuart, against the established government. The partizans of the Court were

were desirous of giving a preference to the proposal of the Earl of Rothes; and, confiding in the extent of their influence, for that purpose they insisted on a vote. But when, upon this procedure, the spirit of opposition and contention rose into greater fierceness and obstinacy, Sir James Falconer of Phefdo, one of the Senators of the College of Justice, with a view to bring both sides into better temper, observed, "that he was very glad to see such an emulation in the House upon account of the nation's interest and security, and that he thought both the motions under their consideration so good and so necessary, that it was a pity they should clash with one another;" and therefore he moved, "that both should be united together; that Parliament will not proceed to the nomination of a successor, until there be a previous treaty with England for regulating commerce and other affairs with that nation; and also, that Parliament will proceed to make such limitations and conditions of government, as shall secure the religion, liberty, and independency of this nation, before they fix the nomination of a successor to the Crown."* In this conjoined state, both motions were carried by a majority of fifty-five voices.† But though a vote for a treaty with England had passed in the House, it was no further urged at this time. The opposition could not agree among themselves who should be the Commissioners; and the Jacobites had now obtained the aim of their utmost desire and address, the

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preventing

* Tindal's Continuation, vol. 21. p. 18.

† Memoirs of Scotland, p. 127.

preventing of the nomination of a successor to the Crown. This victory elated extremely the enemies of the present establishment, and gave rise to several motions in Parliament, which were designed to irritate and encrease the divisions which now subsisted between the two kingdoms.

IN the business of the supply, a farther manifestation of their strength, and untowardness of temper, was made by the party in opposition. The Lord Justice Clerk had introduced an act for a supply of fourteen months cefs, and payable in the space of two years. [July 21st.] Two months only were granted by the House; but as this supply furnished a despicable provision for the various purposes of government, it was proposed to add four months more. This, however, the House was not disposed to bestow, without extorting from government some concession in favour of the independence of the kingdom. The act of Security, to which, in the former session, the Royal assent had been refused, was tacked to the bill of supply; and the latter, it was resolved, should not pass without the ratification of the other. The resumption of the act of Security, threw the Scottish administration into great perplexity, and made it necessary for the Commissioner to apply for new directions from the throne.

ON an emergency which was full of difficulty, and which presented on either hand consequences that were distressing, the Commissioner consulted

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with his colleagues in office. A refusal of the Royal assent to the bill, it was thought, would involve in it the dismissing of the army, which had run far in arrear, and which could not be supported much longer from the funds of the kingdom. To allow such an event to take place at the present juncture, when just alarms were entertained from the designs of France, was considered as a measure that would be attended with extreme danger. The Scottish army was indeed not a large one; it consisted of not above three thousand men, but it was double officered, and, in time of need, was capable of being increased to a greater number. A plan which was suggested, of paying the army with money from England, in the present temper of the country, met with the decided disapprobation of the Scottish administration. They doubted, whether the officers and men would have received pay that came to them from the funds of England. Besides, it was certain, that the matter could not be long concealed; and, that the public knowledge of it would strengthen the national humour, of being independent on English counsels and influence; which was now cherished with such a general and overbearing zeal, that every one who endeavoured to abate its violence, or preserved a temper of moderation, was considered as a traitor to his country, and was in danger of his life. *

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* Tindal's Continuation, vol. 21. p. 21. Burnet, 1704.

IN these circumstances, it was resolved to lay the whole matter before her Majesty. A letter accordingly was written, and signed by all the Scottish ministers, in which the state of affairs was faithfully represented, and in which they advised her Majesty, as the least dangerous expedient for removing the present perplexities, to pass the bill. The representation of the Scottish ministry was laid before the Lord Godolphin, by whose counsel the Queen was to be determined; and the duty which was now imposed upon him, was only to be discharged by the most consummate wisdom, caution, and patriotism. The Whigs he had hitherto trusted with reserve, and could not, therefore, from them, expect a cordial support. The Tories formed a powerful and a factious body in the House of Commons, and watched for an occasion of effecting his ruin. Abroad, affairs were not in that situation which could render it advisable to hazard any bold, or uncertain measure. The Emperor of Germany, one great member of the confederacy against the exorbitant ambition of the house of Bourbon, was in danger of being driven from his capital by the arms of his enemies. The Duke of Marlborough, whose great mind surmounted easily every difficulty in the way to fame, had formed a design for his relief, and was now employed in carrying it into execution; but the event of that splendid undertaking was yet uncertain. Upon the consideration of all these things, the Earl of Godolphin thought it the safest course to advise the passing of the bill. If any evils should hence

hence arise, he concluded, that they might be afterwards remedied in a more favourable situation of things.

[August 5th.] UPON authority from the throne, the Commissioner touched with the sceptre the act of Security, by which the Protestant freeholders, heritors, and all burghs, were called forthwith to provide themselves with arms, and to discipline, once a month, the fencible men within their bounds. Many among the Scots saw, with satisfaction, their country at this time raised, by a concurrence of different circumstances, to a situation sufficient for the vindication of her independence, and for claiming that attention and consideration which had hitherto been denied. From the speeches which were delivered in this, and in the preceding session of Parliament, * it appears they were sensible, that too easy a compliance with the measures of England, had left them to insist in vain upon an equality of privileges, and had excluded them from the means of wealth and of improvement. They were now, therefore, resolved to proceed with greater caution, and not to give away their Crown without some redress of the grievances of the nation. The English Whigs, perceiving this resolution in the Scots, and that without terms, the same succession could not be settled in Scotland as in England, became more cordial in their desire of an Union. And thus the growing

* Hist. of Parliament, 1703, p. 151, and 331.

ing averfions, and divifions of the two kingdoms, quickened the approach of that period in which they were to become one in interest, and in affection.

AFTER the Commiffioner had given the Royal affent to the cefs bill, and act of Security, he adjourned the Parliament to the 7th of October. Upon the conclufion of the feflion, the Scottish minifters haftened to Court, to lay before her Majefty an account of their proceedings. A change was made in the Scottish adminiftration; and the following perfons were entrusted with the reins of the government: The Marquis of Tweeddale, was made Chancellor; the Earls of Seafield and Roxborough, were made Secretaries of State; the Earl of Rothes Lord Privy Seal; and the Earl of Cromarty Juftice General; the Earl of Selkirk, Lord Belhaven, and Sir John Hume, were made Lords of the Treafury, and Mr Bailly of Jervifwood Treafurer-depute; Sir William Hamilton of Whitlaw was made Juftice Clerk, and dying foon after his appointment, was fucceeded in his office by Adam Cockburn of Ormifton,

WHEN it was known in England, that the act of Security had received the Royal affent, the evils which would arife from it were fet forth with a malicious induftry, and an alarm was propagated through the kingdom. * The enemies of the Lord Treafurer

* Smollet. Burnet. Tindal's Continuation, p. 27. vol. 21.

Treasurer Godolphin, who were desirous of having him removed from his office, circulated every where copies of the act, and endeavoured to fix on him the blame of a measure, which they represented as big with variety of mischief. Great quantities of arms, it was asserted, had been imported into Scotland, and dispersed through the kingdom. Fears and murmurs began to arise. There were many, to whom the two kingdoms seemed now to be put into a state of hostility towards one another, and who considered the hope of union and concord as for ever fled. The insidious arts which were now employed to turn the hatred of the English nation against the Lord Godolphin, were defeated by the splendid triumphs of Marlborough in the field of war. The signal victory which that great General gained over the French and Bavarian arms, in the battle of Hockstet, encreased the glory of his name; humbled the haughty ambition of the French Monarch; and imposed awe upon the factious at home, who opposed the success of the war.

THE Parliament of England met on the 29th October. The Tories formed the majority in the House of Commons, and were for rearing up stronger fences around their national Church, to guard it from the dangers of occasional conformity in Protestant dissenters. The immoderate zeal of the Commons, was tempered by the wisdom and moderation of the Peers, who were unwilling to make any encroachment upon that religious toleration, which, with such happy effects, had been establish-
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ed in the preceding reign. But, from repressing the intemperate zeal of the Commons, the attention of the Peers was soon called to the transactions which had passed among the Scots. My Lord Haverham informed their Lordships, that he had matters of great importance to lay before them, and that he was desirous the same should be brought under the consideration of a full House. Accordingly, the Lords were summoned to attend; and, in an elaborate speech, my Lord Haverham delivered to them his animadversions upon the Scottish administration, and act of Security.* “I think,” said he, “I need but lay before your Lordships the true matter of fact, to convince you how much it deserves your consideration. A little before the last sitting down of the Parliament in Scotland, it was thought necessary to make some alteration in that ministry; and, accordingly, some were displaced to make room for others, taking some from each party, who might influence the rest. Things being thus prepared, and a motley ministry set up, the Parliament met about the 6th of July last. And, though the succession to the Crown, in the Protestant line, was the main thing recommended, with the greatest earnestness, by the Queen, in her letter to them, yet it was so postponed and baffled, that at length it came to nothing; partly, because the ministry were so weak and divided, that instead of doing every thing, they could do nothing; and, partly, from a

“received

* Tindal's Continuation, vol. 21. p. 109.

“ received opinion, that the succession itself was
“ never sincerely and cordially intended, either by
“ the ministry there, or by those that managed the
“ Scots affairs here.

“ THIS is very evident; for, at the opening of
“ the session, my Lord Secretary himself distinguish-
“ es between a secret and revealed will; and not
“ only that, but, upon the fourth federunt, (as they
“ call it,) a motion was made for a bill of Exclu-
“ sion; I take it formally to be so, though it bears
“ the title of an act of Security, which was read
“ the first time on the 7th, and ordered to lie on
“ the table till they heard from England; and, on
“ the 10th, it passed into a law. Now, can any
“ reasonable man believe, that those who promoted
“ a bill of Exclusion there, or those who here ad-
“ vised the passing of it, could ever be really and
“ cordially for the English succession? I know
“ there is an exception in the act itself; but it is
“ such a one as might have full as well been left
“ out. For he that asks what he knows before
“ will never be granted, only asks the denial. And
“ this is not all; but in this very bill of Exclusion,
“ as I call it, all the heritors and boroughs are not
“ only allowed, but ordained (as the word is,) to
“ be armed, and to exercise their fencible men
“ once every month.

“ THIS being the fact, (and, I think, I have sta-
“ ted it very truly) surely, my Lords, it is what
“ deserves your consideration; and I shall make

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“ but one or two observations to your Lordships.
“ There are two matters of all troubles ; much dis-
“ content and great poverty ; and, whoever will
“ now look into Scotland, will find them both in
“ that kingdom. It is certain, the Nobility and
“ Gentry of Scotland are as learned and brave, as
“ any nation in Europe can boast of, and these are
“ generally discontented. And, as to the common
“ people, they are very numerous, and very stout,
“ but very poor. And who is the man that can
“ answer what such a multitude, so armed, so dis-
“ ciplined, with such leaders, may do ; especially
“ since opportunities do so much alter men from
“ themselves. And there will never be wanting all
“ the promises and all the assistance France can
“ give.

“ BESIDES this, my Lords, I take it to be of the
“ last danger to England, that there should be the
“ least shadow or pretence of a necessity, to keep
“ up regular and standing troops in this kingdom
“ in time of peace ; for I shall always be of the
“ same opinion, that what has been, may be. In
“ short, my Lords, I think every man wishes these
“ things had not been ; and, in my opinion, there
“ is no man but must say they should not have been.
“ I shall end with an advice of my Lord Bacon’s :
“ Let men, says he, beware how they neglect or
“ suffer matter of troubles to be prepared ; for no
“ man can forbid the sparks that may set all on
“ fire.”

THE Earls of Nottingham and Rochester adverted to the same subject; and declaimed upon the evil consequences which were to be apprehended from the ratification of the Scottish act of Security. Instead of quieting the minds of the Scots, as had been pretended, that act had prepared them, (they said) for rebellion. It had put arms into their hands, and had furnished them with the means of employing resistance, whenever it should be their inclination to do so. It was, therefore, they thought, the duty of the House, to express, by a vote, their displeasure with that act, and the advisers of it. Others, aware of the violence with which the spirit of party was endeavouring to widen the breach which had been formed between the two nations, were for adopting healing measures, and thought it more adviseable to apply some remedy to the evils which now existed, than fruitlessly to waste time, by enquiring into the causes of them. The passing of a vote upon a Scottish act of Parliament, they apprehended, would have the appearance of assuming a superiority over the kingdom of Scotland, and would tend to irritate further the minds of the Scots, who were singularly jealous, at the present period, of the independence and of the sovereignty of their country. It would, therefore, they concluded, be a measure of more wisdom, to form such regulations as should be sufficient to prevent any bad effects and inconveniences that might arise from the late procedure of the Scottish Parliament. And, for this end, they proposed, that the Queen should be enabled, by act of Parliament, on

the part of England, to name Commissioners to treat about an Union with Scotland, upon condition, that such powers should not be put in execution, till Commissioners should be named on the part of Scotland, by the Parliament there. It was also suggested, that Scotsmen should not enjoy the privileges of Englishmen, except such as were settled in England, and Ireland, or in the Plantations, and such as were or should be in the land and sea service, until an Union should be had, and the succession settled as in England: That the bringing of cattle from Scotland into England should be prevented: That the Lord Admiral, or Commissioners of the Admiralty for the time being, should be required to give orders to the Captains of her Majesty's ships, to take such ships as they should find trading from Scotland to France, or to the ports of any of her Majesty's enemies, and that cruizers should be appointed for that end; and that the exportation of English wool into Scotland should be carefully hindered. A bill for an entire Union with Scotland was drawn up; it passed the House, and was sent down to the Commons for their concurrence. [Dec. 9.] Such apprehensions had now arisen in their minds, that the Peers presented an address to her Majesty, for putting the northern parts of the kingdom in a state of defence. In their address to the Throne, the Peers said, that they had taken into consideration divers acts of Parliament, lately passed in Scotland, and had duly weighed the dangerous and pernicious effects which were likely to follow from them; that they were preparing bills for

for preventing such great evils; and, in the mean time, they thought themselves bound to represent to her Majesty, as their humble opinion, that it was highly requisite for the safety of the kingdom, that speedy and effectual orders be given, for putting Newcastle into a condition of defence; for securing the port of Tinmouth; and, for repairing Carlisle and Hull. They besought her Majesty to cause the militia of the four northern counties to be disciplined, and provided with arms and ammunition, and a competent number of regular troops to be kept upon the northern borders of England, and in the north of Ireland; and to direct the laws to be effectually put in execution against all Papists, in respect to their arms and persons.

* [Dec. 13.] THE Commons, rigidly tenacious of the forms of their house, which, they said, prescribed, that no bill, with money-penalties in it, could begin with the Peers, ordered the bill which had been sent down to them to lie on the table. Yet, impressed with the same fears, which in others had created so much alarm, they resolved to frame a bill for securing the kingdom from the dangers that appeared to arise from several acts of the Scottish Parliament. The bill which they brought forward, comprehended nearly all the clauses which had been adopted by the Peers, and it enacted further, that provision should be made for preventing the importation of linen from Scotland, into

* Oldmixon. Tindal's Continuation, p. 117, vol. 21.
Burnet, 1704.

into England or Ireland, and the conveying of horses, arms, and ammunition, from England into Scotland; and that all the Protestant freeholders of the six northern counties of England, should be permitted to furnish themselves with arms. To overawe the Scots, if possible, into the same settlement of their Crown as had been fixed in England, it was appointed, that all the clauses of the bill should take effect on the 25th of December following, unless, before that time, the Scots should settle the same succession as in England, or be united with the English in the same government. When this bill was brought up to the House of Peers, opposition to it was studiously avoided. For, had contention arisen, and bad consequences been produced from the failure of the measure, the blame of all, it was perceived, would have rested with the Lord Godolphin, and would have been employed for the ruin of his credit and his reputation.

SUCH were the circumstances of indignant aversion and animosity in which the two nations now stood, and in which their aspect portended all the fierceness of enmity and war. A dark cloud seemed to gather upon their borders; it threatened to descend with violence, and to extend its ravages widely around. The Jacobites viewed with pleasure the approach of the storm, and exulted in the hope of being able to establish the throne of their exiled Prince, amidst the desolations which it should occasion. But that gracious Providence,

vidence, which had hitherto watched for the preservation of the religion, and of the liberty of these islands, again interposed; and, from this seeming confusion, brought forth more permanent security, amity and peace. It is curious to observe, how that infinitely wise Ruler of the Universe, who directs the great revolutions among states on the earth, makes the passions of men instrumental in producing ends the most distant from their hope and aim; and for the averting of which, they would have employed all their sagacity and power, had they been apprehensive of them. An entire Union of the two kingdoms, was a measure hostile in the extreme to the political views of the Jacobites; yet was it hastened, and secured, by the flame of discord, which, for other purposes, they now, with all their art, endeavoured to feed.

AT this period of national animosity, the futile and antiquated claim of superiority over the kingdom of Scotland, which had been made by some of the English Monarchs, and which others had renounced, was revived by some English writers, and drew from the Scots a full vindication of the independence of their nation and their Crown.

THE perplexities, which the intrigues of party had produced, pointed out, to those in power, the necessity of procuring a large, firm, and cordial co-operation with their measures, to give them success. This, they saw, was only to be obtained, by relying on the attachment of that party in the kingdom, who

who were willing to secure its peace and prosperity at home, by humbling, abroad, the proud ambition of its foes. * Accordingly, my Lord Godolphin, who had hitherto appeared to incline to neither party, now avowed himself a partisan of the Whigs, and, in return, was supported by them with cordial zeal. A change was made in the administration. The Duke of Buckinghamshire was succeeded in the office of Privy Seal by the Duke of Newcastle. The Earls of Peterborough and Cholmondeley were made members of the Privy Council, and the Lord Cutt's was sent to command the forces in Ireland, under the Duke of Ormond. The Earl of Montague was created Marquis of Mounthermer and Duke of Montague. † Sir Nathan Wright, whose fordid mind had brought him into contempt, was deprived of the Great Seal, which was entrusted to Mr William Cowper, a lawyer of great eminence, who had for some years maintained a high reputation as a speaker in the House of Commons, and who was attached to the principles of the Whigs.

‡ THE Parliament in England was dissolved; and, on the 23d of April, a proclamation was issued for calling a new one. The contest was keenly managed by both parties. The Tories endeavoured to procure aid to their influence, by spreading every where a cry, that the Church was in danger. In propagating this cry, the Jacobites were also industrious;

* Smollet's Hist. of England, Chap. viii. Cooke's edition.

† Burnet.

‡ Tindal's Continuation, vol. 21. p. 154. Smollet, Chap. viii.

industrious; but, notwithstanding all their arts, a majority was returned of those who favoured the Protestant succession. The Parliament met on the 25th of October; and, in both Houses, there was a prevailing disposition to support the designs which were formed by the Court.

A CHANGE also was effected in the Scottish administration. The Marquis of Tweeddale, and his adherents, were laid aside, and formed in the ensuing session of Parliament a separate party, distinguished by the name of the *Squadron Volante*, as they professed to go along with neither of the prevailing parties, but to lend their influence wherever they perceived that it could promote the true interest of their country. The Duke of Queensberry was restored to his accustomed influence in the management of Scottish affairs. He formed one of the new ministry, by holding the office of the Lord Privy Seal. The Earl of Seafield was made Lord Chancellor. The Marquis of Annandale, and the Earl of Loudon, were appointed Secretaries of State, and Sir James Murray of Philliphaugh Lord Register. All the Counsellors, whom the last ministry had laid aside, except Sir James Fowles, and Mr Lockhart of Carnwath, were restored. The Duke of Argyle, a young nobleman of the most promising parts, generous, candid, and brave, was named Commissioner for the ensuing session of Parliament. His high rank, the greatness of his property, and his hereditary offices, gave him distinction among his countrymen; and the attach-

ment of his family to the Presbyterian church government, easily set him at the head of a powerful party in the kingdom.* He was the leader of the Presbyterians, as his father had also been, and by his connection with so numerous and popular a body, naturally became an object of notice and consideration.

[1705.] THE Scottish Parliament met on the 28th of June; and, in the beginning of the succeeding month, her Majesty's letter was read to them. By the united efforts of the Presbyterians and Revolutionists, the Court proposed to obtain, either a settlement of the Crown in the Protestant line, or an act for a treaty of Union with England. These were the principal matters about which her Majesty instructed her Commissioner; and to these she craved the particular attention of Parliament. After having recommended to them, with the greatest earnestness, the settling of the succession in the Protestant line, her Majesty further added, that being fully satisfied, that great benefits would arise to all her subjects from an Union of Scotland and England, and that nothing could contribute more to the composing of differences, and to the extinguishing of the heats raised and fomented by the enemies of both nations, than the promoting of every thing that tended to the procuring of the same, she therefore earnestly requested them to pass an act for a commission, to

* Lockhart's Memoirs of Scotland, p. 133.

set a treaty on foot between the two kingdoms, as her Parliament of England had done. In this session of Parliament, the Jacobites, as usual, opposed strenuously the measures of the Court; and considered the settling of the succession to the Crown in the Protestant line, and a treaty of Union, as equally hostile to their views. Their aim was, therefore, to elude both; and that they attempted to do by urging limitations on the Crown, which they knew would either not receive the Royal assent, or be exceedingly afflicting to him who was afterwards to wear it. Concluding that the Squadron, by resentment, would be disposed to cross the plans of the new administration, they proposed to form an union with them, and, by their aid, to secure a triumph over the management of the Court. But the principles and views of the two parties, which were widely different, allowed not such a coalition to be formed.* The conduct of the Jacobites, in the last session of Parliament, had revealed to the Marquis of Tweeddale and his followers, the ruinous purposes for which all their measures of popularity were urged. However, the friends of the Duke of Queensberry were not yet detached from the Cavaliers, and, by their assistance, they were able, with a considerable majority, to oppose the measures of the Court.† While this arrangement of parties stood, the Scottish ministry happily avoided the discussion of the material business for which a

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* Tindal's Continuation, vol. 21. p. 172.

† Lord Somers' Tracts, vol. 3. p. 222.

meeting of Parliament had been called. The first part of the session was passed in deliberations upon the state of the coin and commerce of the nation; and, by this procedure, time was gained for detaching the friends of the Duke of Queensberry from the party of the Cavaliers. *

A COUNCIL of trade was formed, who were to regulate the commercial interests of the kingdom. Two schemes were proposed for supplying the nation with money by a paper credit, and brought under the consideration of Parliament. The one of these was the production of Dr Hugh Chamberlain; the other was the work of John Law, who became afterwards so well known by the ruinous Mississippi scheme which he projected in France. † He was the son of a goldsmith in Edinburgh, and having wasted, by dissipation, a small inheritance, he dishonourably depended for the means of riot and of life upon his skill in gaming. He was a man of agreeable manners; and being a pleasant companion in the hours of relaxation, he easily insinuated himself into the favour of the great. Law's scheme was patronized by the Commissioner, and part of the Squadron; but it was rejected by Parliament, who passed a resolve, that the establishing of any kind of paper credit, so as to make bills pass for current coin, was an improper expedient.

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* *Memoirs of Scotland*, p. 143.

† *Smollet's Hist.* chap. viii. *Cooke's edition.*
Memoirs of Scotland, p. 145.

[July 17.] ALL the efforts of the Jacobites were exerted in this session of Parliament, to prevent the settlement of the succession to the Crown. * With this view, it was moved by the Duke of Hamilton, that Parliament should not proceed to name a successor, till a previous treaty should be formed with England, in relation to commerce and other matters, and that such limitations and conditions of government should now be made, as would be fully sufficient for securing the religion, liberty, and independency of the kingdom. This was a renewal of the same measures, which the Jacobites, under a pretence of setting the people free from oppression, had formerly adopted with so much popularity and success. The Court, and the Squadron, who were zealous for the settlement of the succession, united in opposing this motion of the Duke of Hamilton; but the Cavaliers insisted vigorously upon it; and, by the concurrence of the Duke of Queensberry's friends, they carried it by a great majority. [July 20.] The Marquis of Tweeddale presented to Parliament, the draught of a letter in answer to her Majesty. In this draught, the Parliament expressed their willingness to establish the same succession as in England; and entreated her Majesty to grant such limitations on the successor as might be necessary for that purpose. The draught of an act for a Treaty with England was also presented by the Earl of Mar. Both these draughts were read, and were ordered to be printed. The Duke

* Minutes of the Scottish Parliament, No. 7. 1705.

Duke of Queensberry appeared not in the Scottish Parliament immediately upon the opening of the session, that he might save his friends from the blush of quitting abruptly with their former political connections; * but, on the 23d of July, he arrived at Edinburgh, and entered the city with great magnificence and splendour, and amidst the acclamations of the multitude. His presence brought a great accession of favour and influence to the Scottish ministry. †

DIFFERENT proposals of limitations on the power and influence of the Crown were made in Parliament, and were passed into acts, but they received not the Royal assent. After the decease of her present Majesty, without heirs of her body, it was enacted, that all Officers of State, Privy Counsellors, and Lords of Session, Members of Exchequer, Treasury, and Justiciary, should be chosen and appointed by Parliament, ‡ and be accountable to it for their conduct. A motion was also made for triennial Parliaments, and that all persons employed in collecting her Majesty's revenue should be excluded from sitting there. This measure of reform was suggested by the continuance of the same Parliament, during the whole of the preceding reign. The Scottish constitution of government had made no provision for a frequency of Parliaments. The calling

* Lord Somers' Tracts, vol. 3. p. 222.

† Memoirs of Scotland, p. 158.

‡ Minutes of the Scottish Parliament, No. 21. 1705.

ing and the dissolving of them was entrusted to the discretion of the Monarch, whose narrow revenue secured his dependence, and prevented his influence from being any great object of jealousy to the orders of the state. While Scotland formed a separate monarchy from England, its government was irregular, and tumultuary. The Nobles were proud, were powerful, and factious; and, from their fierce and frequent combinations, there was more danger to the constitution, than from the encroachments of a needy and dependent Prince. Hence no bounds were fixed for the duration of Parliaments, which were called according to the exigencies of the state; and, when provision was made for these, they were immediately adjourned, or dissolved. The measure which was now urged for securing the rights of representation, and the liberties of the kingdom, appeared to meet with such a general concurrence, that the Scottish ministry were averse from giving it a direct opposition. They endeavoured, by management, to elude and to defeat it; for, they dreaded more opposition from a new Parliament, than they met with from the present. Many also were afraid of losing their seats by a new election; and hence they proposed, that the act for triennial Parliaments should not be in force, till the first of August 1708.* This last motion was supported by the Court, and was adopted by the House.

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* Memoirs of Scotland, p. 125.

Minutes of Scottish Parliament, No. 23. 1705.

AT the same time, a scheme of limitations on the Crown was presented to the House, by Fletcher of Salton, the zealous friend of independence, who proposed by it, henceforth to free the kingdom from the usurpations of the English, and from the encroachments of arbitrary power. In this scheme it was proposed, that Parliaments should be annual, and should have the power of adjourning themselves; and to balance the number of Noblemen, which of late had been much encreased, so many of the lesser Barons were to be added to Parliament. The King was not to be allowed to with-hold his assent from any bill which had received the sanction of the House. The administration of the government was to be lodged with a committee of 31 Members of Parliament, who were to be accountable to the Supreme Court of the nation only. The King, without consent of the House, was to have power neither to make peace nor war. The Parliament was to have the disposal of all places, civil and military. No army was to be kept on foot, but by the advice of the great Council of the nation; and all fencible men were to be armed. The Sovereign was not to have the prerogative of bestowing mercy upon an offender, but at the will of the Estates; and, if he broke through any of these regulations, he was to lose his Throne and Crown. These limitations were founded on republican principles, and annihilated the power and prerogative of the Crown. Fletcher's scheme of limitations was opposed by the Earl of Stair, who observed, that they turned the kingdom into a commonwealth. Fletcher replied, it was no wonder

wonder he opposed the scheme; for, had such an act subsisted, his Lordship would have been hanged for the bad counsel he had given King James; for the concern he had in the massacre of Glencoe; and, for his conduct since the Revolution.

AFTER long deliberations on the state of the commerce and the coin of the kingdom, and after having made various provisions for the security of its liberties and independence, the Scottish Parliament [Aug. 25. 1705.] resumed the consideration of the act for a treaty with England. This was the chief business for which they had been assembled; and, towards the successful termination of which, all the energy and ability of the administration were directed. A treaty with England for an Union, promised to the kingdom of Scotland relief from its commercial difficulties, and was a measure, to which, it was expected, a less decided and persevering opposition would be given, than to an immediate settlement of the Crown in the Protestant line. When the act for a treaty with England came at this time under the review of the House, Fletcher of Salton resented extremely the indignity which he conceived had been done to the nation, by the imperious conduct of the English Parliament; * and he proposed, that an address should be presented to her Majesty, refusing to comply with the request of the English Parliament for a treaty, until it should be made in terms no ways dishonourable

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* Smollet's History, chap. viii. p. 192.

or disadvantageous to the Scottish nation. * Fletcher's proposal was rejected ; and a strong inclination appearing among the Members of the House, for going forward with the act for a treaty of Union, the friends of the dethroned family were afraid any longer openly to oppose it. They resolved to defeat that measure in a way that should be less obnoxious to the public resentment, by introducing into it such restrictions as should be sufficient to prevent the successful conclusion of the treaty. † Both the English and the Scottish acts restricted the Commissioners that were to be appointed, from making any alterations in the ecclesiastical government and discipline which were now established in either kingdom. And the Duke of Hamilton, in compliance with the views of his party, moved that a clause should be added to the act, requiring, that the Union to be formed, should no ways derogate from the fundamental laws, ancient privileges, offices, rights, liberties, and dignities of the Scottish nation. Had this clause been adopted, it would have frustrated effectually the views which the English had in setting forward the treaty, as it would have kept open sources of apprehension, which an entire and incorporating Union completely removed. An entire and incorporating Union, therefore, was what the English ministry desired, ‡ and what the friends of the pub-

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* Minutes of the Scottish Parliament, No. 26. 1705.

† Memoirs of Scotland, p. 161, 162.

‡ Carstares' Papers. Defoe's Hist. p. 24.

lic prosperity in Scotland set themselves strenuously to obtain. To point out the impropriety of insisting upon the restrictions that were proposed, it was argued by the Scottish ministry, that Scotland and England were under the same Sovereign, who felt an equal regard for the prosperity of both kingdoms; and, as the English had set an example of confidence and trust in the wisdom and attachment of the Sovereign, it would be highly indecent in the Scots, to discover a temper of suspicion in the restraints which they imposed upon their Commissioners. Such a procedure would not only evince their suspicion of her Majesty's honour and affection; but it might serve to stop all further progress in the treaty, as it was not to be supposed, that the English would treat with the Scots, unless they were furnished with powers equally ample as they themselves were; from a trust so liberal reposed in the Commissioners, no danger could arise to the nation, as nothing which they should do was to be of force, until confirmed and ratified in Parliament; and, as this was to be the case, they argued, that the present opposition was unreasonable, and would with more propriety be brought forward then, when the whole treaty should be submitted to the review of that House. To these arguments, the Jacobites, and other opposers of the treaty replied, That all that they had now heard, tended the more strongly to dissuade them from reposing in her Majesty that unlimited confidence, to which the House had been urged: That the government of the two kingdoms by the

same Sovereign, had long been a subject of just lamentation and regret, and was the source from which all the grievances arose, under which their country now repined; for the English ministers, by whom the councils of her Majesty were directed, regarded the honour and interest of the Scottish kingdom no further than they were permitted by their partiality to their own country: That from the clause which it was proposed to add to the act, no mistrust of her Majesty's affection to her ancient kingdom could be inferred, since all that it implied was, that her Majesty was not so fully acquainted with the interest of Scotland as of England; and, that they had taken care to prevent such inconveniences as might arise from that circumstance. The opposition further stated, that some things were in their nature so sacred and venerable, that they could not admit of any alteration or innovation, and far less of being abrogated or suspended, and were not even so far to be violated as to be made the subject of a treaty; and of this nature were the sovereignty, the independence, and the freedom of the nation: That this clause could give no offence to the English, as they had set the example, in restricting their Commissioners from treating of any alteration in the church government of their kingdom: That the Scots were their equals in point of freedom, and of independence; and, therefore, had a right to furnish their Commissioners with such powers and instructions, and to lay upon them such restrictions as they pleased; and, that hence it was not to be imagined, that the English would re-

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fuse to treat, as the same clause had been inserted in the act of treaty in the reign of James VI. and had been repeated in most of the subsequent acts of treaty; and yet, neither that King, nor his successors, nor the Parliament of England, had, on that account, made any scruple about meeting and treating with the Commissioners of Scotland.* After much argumentation on both sides, for and against the clause, it was at last rejected by a plurality of two voices only.

DEFEATED on this ground, the party in opposition again essayed their strength in another motion which was popular, as it appeared to assert the honour and independence of the nation. It was proposed, that the Commissioners should not go out of Scotland, to enter into any treaty with those to be appointed for England, until there was an act passed by the Parliament of England, rescinding that clause in the English act, by which it was enacted, that the subjects of Scotland should be adjudged and taken as aliens, after the 25th of December 1705.† As the English had appeared, according to the expression of a member of the Scottish Parliament, to cudgel the nation into a nomination of their successor to the Crown, it was conceived, that something was necessary to be done for removing the indignity which had been offered to the nation; and that its honour would be

* Memoirs of Scotland, p. 163.

† Minutes of the Scottish Parliament, No. 30. 1705.

be vindicated by an insertion of the clause, which was now brought forward into the act for a treaty with England. The Scottish ministry would have given gladly a direct opposition to the clause, as they apprehended that the adoption of it would irritate the minds of the English; but perceiving that it met with a general approbation, they endeavoured, by prudent management, to avoid the inconveniences of it. They consented to the clause, but they moved, that the act for a treaty should be plain and simple, without qualities; and that the sentiments of the nation concerning that part in the English act, which declared the subjects of Scotland to be aliens, should be considered in a separate way; and that now a resolution should be made, that after finishing the act for a treaty, the House would immediately proceed to consider, whether the clause was to be sanctioned by a particular act, or by an order of the House.* Here, again, the views of the opposition were defeated, and it was resolved that the clause should not be added to the act. Before the vote was stated upon this matter, a protest was entered by the Duke of Athole in the following terms: "In regard, that by an English act of Parliament, made in the last session thereof, entituled, an act for the effectual securing of England, from the dangers that may arise from the several acts lately passed in the Parliament of Scotland, the subjects of this kingdom are to be adjudged aliens, born out of the allegi-

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* Tindal's Continuation, vol. 21. p. 194.

ance of the Queen, as Queen of England, after the 25th December 1705, I do therefore protest for myself, and in name and behalf of all who shall adhere to this my protestation, that, for saving the honour and interest of her Majesty, as Queen of this kingdom, and maintaining and preserving the undoubted rights and privileges of her subjects, no act, for a treaty with England, ought to pass in this House, unless a clause be adjected thereto, prohibiting and discharging the Commissioners that may be nominated and appointed for carrying on the said treaty, to depart the kingdom in order thereto, until the said clause be repealed and rescinded by the Parliament of England." To this protest, most of the Cavaliers and Country party, and the Squadron, adhered.

THOUGH the Scottish ministry now enjoyed the certain prospect of a treaty with England, yet still a matter of the greatest importance remained for the deliberation of the House, upon the determination of which the success of the treaty behoved ultimately to depend. No specification was made in the act, to whom the nomination of the Commissioners was to belong. It was suspected, that this point would have been contested keenly by the antiministerial party; and, therefore, the mention of it had been hitherto designedly omitted. But so soon as the vote was passed upon the preceding clause, the Duke of Hamilton, to the amazement and indignation of his whole party, moved,

moved, That the nomination of the Commissioners should be left to the Queen.* His political partizans were highly enraged at the Duke of Hamilton for this conduct, which corresponded not with his former language and professions. Fourteen or fifteen of them, in a transport of passion, ran out of the House, saying aloud, that they were basely deserted and betrayed. The motion, however, was vigorously opposed by those of the party who remained, and who stated the impropriety of committing so great a trust to her Majesty, who was, as it were, a prisoner in England, and had no opportunity of knowing the true interest of the kingdom of Scotland. The desertion of the House, by the Cavaliers, was a fortunate circumstance for the good of the kingdoms; as the motion of the Duke, after an animated debate, was carried by a majority of eight voices only. The Duke afterwards excused himself for his present behaviour to his party, by saying, that he saw it was in vain to contend; and that since the Court had obtained an ascendancy, he might be allowed to pay a compliment to his Sovereign. The motive, however, which seems to have influenced the Duke's mind, was his desire of being named one of the Commissioners for carrying on the treaty. This honour, it is supposed, was promised to him by the Duke of Argyle; but it was denied by the Queen. And her denial of it, irritated so much the honourable mind

* Memoirs of Scotland, p. 170.

Smollet, p. 193. Cooke's edition.

mind of her representative in the Scottish Parliament, that he would not accept of the same trust for himself; but threatened to oppose an Union to the utmost of his influence and power.* Means, however, were found, of appeasing his resentment.

It now remained to do something for the vindication of the national honour and independence, on which an encroachment had been made by the imperious language of the English Parliament. [Sept. 4. 1705.] That purpose, it was judged, would be sufficiently effected, by addressing her Majesty for the repeal of that clause which adjudged the Scots to be aliens after the 25th of December 1705; and by ordering the Commissioners, to be named for Scotland by her Majesty, not to depart the kingdom until that obnoxious clause should be rescinded. Accordingly, both these measures were unanimously adopted by the Scottish Parliament.† The act for a treaty with England was approved and ratified, and six months cess was given, for the maintenance of the army, and garrisons, and of a few frigates to defend the coast from depredation and insult. Thus the momentous business of this Session, in spite of a vigorous opposition, was happily conducted to a conclusion, and the way prepared for the future success of that great measure, which involved in it the permanent security and prosperity of both kingdoms.

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* Smollet's Hist. p. 194.

† Minutes of the Scottish Parliament, No. 31. 1705.

THE thanks of the Parliament were given by the Lord Chancellor, in presence of his Grace the Commissioner, to Mr James Anderson, writer to her Majesty's signet, for the good service which he had done the nation by his historical essay, which shewed that the Crown and Kingdom of Scotland are imperial and independent. The sum of L. 4800 Scots was also given him as a reward, for having cleared the independence of the nation. An equal sum was given to Mr Hodges, who had also supported, by his writings, the sovereign honours of the kingdom. An order was made for burning, by the hands of the hangman, two pamphlets written by William Atwood, an English lawyer; (the one of which was entituled, the superiority and direct dominion of the imperial Crown of England over the Crown of Scotland; and the other, the Scots Patriot unmasked,) which reflected on the honour and independency of the Scottish nation.* The Session was concluded with a speech from the Commissioner, and Parliament was then adjourned to the 20th of December.

HER Majesty laid the address of the Scots before the Parliament of England, in which a majority were heartily disposed to promote an entire and incorporating Union of the two kingdoms. The Commons had presented an address of thanks to her, [Nov. 13. 1705.] for her great care and endeavours to settle the succession to the Crown of Scotland in the House of Hanover; for preserving the

* Minutes of the Scottish Parliament, No. 18. 1705.

the peace, and for promoting the Union of the two kingdoms; and they assured her that they would, to the utmost, assist her in bringing that great work to a happy conclusion. Both parties appeared now to drop their contentions, and to adopt the spirit of unanimity, in forwarding a measure, which was earnestly urged by the Sovereign, and which was required by the public good. The clause which had created so much offence in the minds of the Scots, was repealed, and the prohibitions which had been laid on their manufacture and their trade, were removed.* The northern counties of England, which for some time had been disturbed with the apprehension of the Scottish inroads, rejoiced in the prospect of returning concord and tranquillity. And thus the cloud began to disappear, which, for a while, had spread its gloom upon the borders of both kingdoms; and which, according to the different passions, and political interests of men, was viewed with joy, or with fear.

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* Tindal's Continuation, vol. 21. p. 304. Burnet.

C H A P. III.

The Queen names Commissioners from both Kingdoms to treat of an Union.—The Treaty begun and concluded.—Violent opposition to an incorporating Union in Scotland.—Deliberations of the Scottish Parliament upon the Articles of Union, and Ratification of them.—Deliberations of the English Parliament upon the Articles of Union, as ratified in the Parliament of Scotland.—Articles of the Union as ratified by the English Parliament.—Discontent of the Scots upon the Ratification of the Treaty of Union.—Illicit attempts of the English and Scots Merchants to make gain.

SOLICITOUS, as it becomes a Sovereign to be, for the public good, and for the security of her dominions, her Majesty, without delay, proceeded to execute the trust that was committed to her. She named Commissioners from both kingdoms, to manage the treaty of an Union of them; and the success with which it was conducted, justified the wisdom and the discernment with which the choice was made. * Many of them were men of distinguished

* THE English Commissioners were, Thomas, Lord Archbishop of Canterbury; William Cowper, Lord Keeper of the Great

distinguished talents, as well as of distinguished rank, and the great property which they possessed, added to the zeal with which they supported a measure

Great Seal; John, Archbishop of York; Sidney, Lord Godolphin, Lord High Treasurer; Earl of Pembroke, President of the Council; Duke of Newcastle, Keeper of the Privy Seal; Duke of Devonshire, Steward of the Household; Duke of Somerset, Master of the Horse; Duke of Bolton; Earl of Sunderland; Earl of Kingston; Earl of Carlisle; Earl of Orford; Viscount Townshend; Lord Wharton; Lord Grey; Lord Powlet; Lord Somers; Lord Halifax; John Smith, Esq; Marquis of Hartington; Marquis of Granby; Sir Charles Hedges, and Robert Harley, Esq; Principal Secretaries of State; Henry Boyle, Chancellor of the Exchequer; Sir John Holt, Chief Justice of the Court of Queen's Bench; Sir Thomas Trevor, Chief Justice of the Court of Common Pleas; Sir Edward Northy, Attorney General; Sir Simon Harcourt, Solicitor General; Sir John Cooke, L. L. D. and Stephen Waller, L. L. D.

THE Scots Commissioners were, James Earl of Seafield, Lord Chancellor of Scotland; James Duke of Queensberry, Lord Privy Seal; John Earl of Mar, and Hugh Earl of Loudon, Principal Secretaries of State; the Earl of Sutherland; the Earl of Morton; the Earl of Wemyss; the Earl of Leven; the Earl of Stair; the Earl of Roseberry; the Earl of Glasgow, Deputy of the Treasury; Lord Archibald Campbell; Viscount Duplin; Lord Ross; Sir Hugh Dalrymple, Lord President of the Session; Adam Cockburn of Ormiston, Lord Justice Clerk; Sir Robert Dundas of Arncliffe, and Robert Stewart of Tillicultrie, Lords of the Session; Mr Francis Montgomery, one of the Commissioners of the Treasury; Sir David Dalrymple, Solicitor; Sir Alexander Ogilvie, Receiver General; Sir Patrick Johnston, Lord Provost of Edinburgh; Sir James Smollet; George Lockhart of Carnwath; William Morrison of Prestongrange; Alexander

measure that promised so essentially to promote the prosperity of the island. Almost all of them were well affected to the present establishment, and to the Protestant succession; and the few, who held different principles, dared not to urge any measure of faction, amidst such general vigour and unanimity.

THE Commissioners from both kingdoms met for the first time, [April 16. 1706.] in the Council Chamber, in the Cockpit near Whitehall, the place which had been appointed for their conferences. The business was opened by speeches addressed to the Commissioners, from the Lord Keeper of the Great Seal of England, and the Lord Chancellor of Scotland.* On both sides, the Commissioners expressed a desire, that this treaty might be conducted to a more successful conclusion, than the former attempts which had been made for uniting the two kingdoms; and they stated it as their belief, that nothing could more effectually advance the commerce, encrease the wealth of the whole island, and repress the designs of their enemies, than a lasting Union of Scotland and England. Mr George Doddington was appointed Secretary for the English, and Sir David Nairn for the Scottish Commissioners.

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ander Grant; William Seton of Pitmedden; John Clerk of Pennycook; Hugh Montgomery, Provost of Glasgow; Daniel Stewart, and Daniel Campbell.

* Tindal's Continuation, vol. 21. p. 359. Defoe's History of Queen Anne.

[April 22d.] A FEW preliminary articles were fixed, the most remarkable of which were, that no points, though agreed upon, and reduced into writing, should be obligatory on either side, till all matters should be adjusted in such a manner, as should prepare them for being laid before the Queen and the two Parliaments for their approbation; and that all the proceedings of the Commissioners of both kingdoms should be kept secret during the treaty.

THE preliminaries being fixed, according to which the treaty was to be conducted, the English Commissioners immediately proposed, that Scotland and England should be united for ever into one kingdom, by the name of Great Britain; that the kingdoms, so united, should be represented by the same Parliament, and that the succession to the Monarchy should be settled, in case of failure of heirs of her Majesty's body, according to the limitations mentioned in an act of the English Parliament, made in the 12th and 13th years of the reign of the late King William III. It is a proof of the great wisdom of those who guided the deliberations of the English Commissioners, and of the firm and manly vigour of their counsels, that they at once proceeded to lay the only foundation on which a permanent Union could be built, and security arise from the enemies of the government, and that they resolutely adhered to it. The terms proposed by the English, implied a surrender of a separate sovereignty on the part of the Scots, who were

were willing still to have retained the supreme honours of the nation, and to have formed rather a foederal Union, like that of the United Provinces, or of the Cantons of Switzerland. A foederal Union, the Scottish Commissioners were aware, would have met with a readier concurrence from their countrymen, as it would have delivered them from the grievances of which they so bitterly complained; while, at the same time, it would have left them in possession of their own separate and supreme Court.* With a view to such an Union, they agreed to settle the succession to the Crown of Scotland, according to the request of the English Commissioners; but they proposed, that the subjects of Scotland, should for ever enjoy all rights and privileges in England, and the dominions thereto belonging, as the natives of England did; and that there should be a free communication of trade and navigation between the two kingdoms, and their plantations, under such regulations, as in the progress of the treaty should be judged to be for the advantage of both; and that all laws and statutes in either kingdom, that were contrary to the terms of such an Union, should be repealed. In the existence of two separate and supreme Courts, the English Commissioners were sensible, that the seeds of separation would also be preserved, and might, when the occasion should be presented, grow up to the disturbance of the government

* Tindal's Continuation, vol. 21. p. 357. Burnet's Hist. Memoirs of Scotland, p. 193. Defoe's Hist. p. 25.

ment, and of the public peace; and being fully convinced, that nothing but an entire Union of the two kingdoms could settle perfect and lasting friendship between them, they declined to enter any further upon the consideration of the proposals made to them by the Scottish Commissioners, and desired that an answer might be returned to the terms which they had suggested for an entire and incorporating Union. The Scottish Commissioners, observing the steadfastness with which the English insisted upon an entire Union of the two kingdoms, yielded to it their consent, which they had withheld, more, it is probable, from a compliance with the humour of their nation, than in obedience to their own judgment.* They agreed that the kingdoms of Scotland and England, should be for ever united into one kingdom, by the name of Great Britain; that the united kingdoms should be represented in one Parliament, and that the succession to the Crown, in failure of heirs of the body of the Queen, should descend to the Princess Sophia, the Electress Dowager of Hanover; and remain with the heirs of her body, being Protestants; upon the condition, however, that the whole subjects of the united kingdom should have full freedom of trade and navigation within its bounds, and the plantations thereof, and that there should also be a communication of all other privileges and advantages, which did, or which might belong to the subjects of either kingdom. An assent was

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* Memoirs of Scotland, p. 206 and 207.

given to the privileges demanded by the Scots, upon such terms as, in the further progress of the treaty, should be found to be for the advantage of both kingdoms.

THUS the great foundation of the treaty was solidly and amicably fixed; and in it we easily discern what the chief objects were, which the Commissioners of both kingdoms were anxious to secure. For access to the sources of wealth and of improvement; for a communication of privileges with the English, and freedom of intercourse in trade, the Scots were disposed to renounce a portion of their separate and independent honours; for fixing the succession to the crowns of both kingdoms in the Protestant line, and for removing for ever the means of internal separation and disquiet, the English were willing to admit the Scots to a share in that commerce and trade, from which they had long endeavoured to exclude them, with all the activity, and with all the selfish devices of a mercantile jealousy,

As a communication of privileges, and of trade, was to be granted to the Scots, the attention of the Commissioners were next directed to the terms upon which it was to be established. The English Commissioners proposed, that the customs, excise, and other taxes, should be the same throughout the whole united kingdom; and that, in trade, the same restrictions and regulations should extend over the whole

whole island.* Had it been possible, the Scots would have gladly evaded the burthen which an equality of privileges in trade drew after it; but this was forbidden by the attention which was due to the interests of their sister kingdom, as well as to their own. They pleaded the poverty and the depression of their country, and represented the ruinous consequences which would follow, from imposing a new and heavy load of taxes upon a people, that with difficulty furnished the moderate expences of their own government. The representation of the Scots, procured for them an exemption, for a stated time, from several taxes borne by the English; and, in consideration of that part of their revenue by which they were to contribute to the discharge of the public debts, an Equivalent was to be allowed in money. The debts of England, at this period, amounted to L. 20,000,000; the revenue of Scotland was unincumbered; but, by a defect of management in the raising of it, exceeded not the sum of L. 114,694 Sterling, and for that portion of it which was to be applied to the discharge of the public debts of England, the sum of L. 398,085 was to be paid as an Equivalent. To what a height of opulence, and of prosperity, has the Scottish kingdom now arisen, when a revenue is yearly drawn from it of L. 1,099,148 : 16 : 4 $\frac{1}{2}$. † This vast encrease of wealth is owing to the favour-

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* Defoe's Hist. of the Union, p. 27.

† Sinclair's History of the Public Revenue, p. 351, 1788.

able situation for commerce and for enterprize, into which the nation has been put by the treaty of Union. The genius of activity is resident in man, and when the situation is given him that invites its exertions, seldom fails to enter on the career to improvement and to wealth. As it was to be expected that an encrease of industry, and an advancement in opulence, would be the consequence among the Scots, of an Union with England, and that hence their contributions to the discharge of the public debts would be much enlarged, it was further concluded, that an additional Equivalent should be returned to their nation according to the progressive state of the revenue which it might yield. It was also settled in what manner the Equivalent was to be applied. The debts of the African Company, and the interest that was due upon them, were first to be discharged; private persons were then to be indemnified for the loss which they should sustain in calling in the Scottish coin, which was to be recoined according to the standard of England. The remainder was to be employed in setting forward the manufactures of the Scots, and for the encouragement of their fisheries.* The disposal which was made of the Equivalent, gave many individuals among the Scots, an interest in the success of the treaty, which was to restore to them considerable sums of money, which they must for a long time have viewed as for ever lost in the unfortunate

* Defoe's Hist. of the Union, p. 85.

fortunate events of the Darien Settlement.* When the articles of the treaty were afterwards published, nothing in them excited deeper sentiments of abhorrence and disgust, than the Equivalent; which the people considered as the price for which their country and its immunities were sold to the English, and for which an oppressive load of taxes was to be entailed upon themselves and their posterity. They were impatient, as mankind commonly are, of the weight of the new burthens which an Union of the two kingdoms was immediately to impose upon them; but they were little capable of directing their thoughts forward to that improvement of condition, to that refinement, elegance, and convenience of life, which were to spring up from an enlarged field of activity and of industry. The Equivalent itself, as it was then argued, was a fund sufficient for putting Scotland in a capacity of prosecuting trade, of erecting manufactories, and of improving the country.†

HAVING come to an agreement upon the great and leading principles which were equally to extend to both kingdoms, the Commissioners next proceeded to the consideration of those matters which were to affect more particularly the kingdom of Scotland. To that kingdom were reserved
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* Memoirs of Scotland, p. 213. At this time, L. 100 stock in the African Company, was to be purchased for L. 10. Defoe, p. 87.

† Enquiry into the reasonableness of an Union, p. 112.

its municipal laws. The Court of Session, of Justiciary and other inferior Courts, were to remain as they had formerly been constituted; but liable to such alterations as the wisdom of a British Parliament might prescribe. The private rights of individuals were secured to them, and made subject to alteration in such cases only as should contribute to the evident utility of the Scots. It was evident that the Scots could not be subjected to the Courts of law in England, without producing a manifest perplexity and confusion in questions of private right, and without adding enormously to that expence with which the prosecution of law-suits is attended in every Court. But, as the Scots had inherited the right, when they judged themselves to be injured, of appealing to their own Parliament as the ultimate refuge from oppression, and as the supreme resource of redress from wrong; so were they still permitted to appeal in questions of law from their own Courts to a British House of Peers, and to expect from that enlightened, and liberal Council, the ultimate decisions of equity and of justice. The Court of Exchequer alone in Scotland was to undergo a change in its forms, and to be guided for the time to come by the law of England.

THE Scots had stated the poverty of their country, and some consideration was paid to it. It was agreed, that the land tax in Scotland should be only L. 48,000, when the English paid
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four shillings in the pound.* This, it must be allowed, was but a small part of the public expence, when compared with that which the English were to bear; but that the influence which the Scots were to have in the public Councils of the united kingdoms, might bear some proportion, it was proposed, that the kingdom of Scotland should be represented in the House of Commons by 38 members. Nor was this proposal so devoid of equity, and of liberality, when it is considered, that the English Parliament, in the year 1651, when the plan of an Union was then adopted, had allowed only 21 representatives to Scotland; and, that afterwards Oliver Cromwell, whose equity in matters of public concern was conspicuous, had called only 30 of the Scots to sit in his supreme Council.† Scotland, by his scheme of taxation, was rated at L. 6,000 the month. The opulence of the Scottish nation was then greater than at the period of the Union, and, consequently, the English Commissioners judged, that in the proposal which they made, which was founded on the principles of Union adopted by the Usurper, they did sufficient justice to the Scots.‡ But their proposal met not with

* Four shillings in the pound of land tax, amounted to L. 2,000,000 in England.

† Enquiry into the reasonableness of an Union, 1706. p. 31, and 43. The rents of Scotland were then valued at L. 720,000.

‡ By Oliver Cromwell's instrument of Government, 400 representatives were allowed to England, and 30 to Scotland; at the period of the Union, the English House of Commons consisted of 513 members, and it was proposed to admit into it from Scotland 38.

with the approbation of the Scottish Commissioners, who were desirous of securing a larger representation for their nation, and of having a greater number of their countrymen to be the guardians of its privileges. Scotland was probably at this time inhabited by a million of people, and it was requested, that their sentiments should be conveyed to the great Council of the united kingdom by fifty representatives. With this request, the English Commissioners, though zealous for the successful conclusion of the treaty, refused to comply ; for they were afraid of irritating their countrymen, should they grant so large a share in the Legislature, to those who were burthened with so small a proportion of the public expence. But to evince how ardent their desire was, of bringing to a happy termination, a treaty which had hitherto been conducted with so much moderation and prudence, they proposed that Scotland should be represented by forty-five members in the House of Commons, and by sixteen in the House of Peers. And the Scots perceiving, that a larger number of their countrymen could not be admitted to sit and vote in the British Parliament, granted their consent to the proposal made by the Commissioners for the kingdom of England, and, by doing so, removed out of the way every great obstruction to the progress and termination of the treaty.

ALL the Scottish Peers, after the Union, were to be Peers of Great Britain, and were to inherit the privileges which belonged to that distinguished order.

der. They were to have rank and precedence next to the English Peers of the same order and degree, and before those who should be created after the Union. In criminal cases, they were to be tried as Peers of Great Britain, but no Scottish Peer was to sit in judgment at the trial of a Peer, except the Sixteen, who were the representatives of the Peers of Scotland. The situation into which they were cast by the treaty of Union, obscured somewhat the former lustre of the Scottish Peers, and opened to the Commons of Scotland a way for improving their condition and of rising into eminence. * By the Union, the Scottish Peers have lost a portion of their ancient splendour and influence; and, with the privileges which were objects of dread to their inferiors, have also renounced the bold and turbulent spirit, which so often divided the kingdom by faction, and troubled its peace.

SUCH were the chief articles of that celebrated Treaty, which united, under the same government, the two kingdoms of Scotland and England; and which, by the wisdom of a few eminent men, was now settled in all its material points, much to the joy of those who favoured the Protestant succession, but much to the disappointment of those, as it afterwards appeared, who were desirous of increasing the troubles which a separation of the kingdoms promised to produce. The diligence of

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* Robertson's Hist. of Scotland, vol. 2. p. 298.

the Commissioners in carrying forward the treaty, was quickened by the zeal of her Majesty, who visited them at different times, and urged them to unanimity and to dispatch. "Your Majesty's royal presence and reasonable admonitions to us at the fittest junctures, [July 23. 1706.] said the Lord Keeper, in his address to the Queen on the conclusion of the treaty, were a very great encouragement and assistance to us in the difficulties which we met with," * Signed and sealed copies of the Articles of Union, were presented to her Majesty by the Commissioners for both kingdoms, and speeches upon the occasion were addressed to her by the Lord Keeper of England, and by the Lord Chancellor of Scotland.

By an order of the English Council, all inflammatory writing and discourse concerning the Union, was prohibited, under pain of prosecution to the utmost rigour of law.† Hitherto, the scheme of an Union with England, had been received by the Scots with no symptoms of dissatisfaction or of violent opposition; but, soon as the success and conclusion of it became more certain, various arts were employed to inflame the minds of the people, and to set at a distance, the period which was for ever to compose the differences, and

* Defoe's Hist. p. 103.

† Tindal's Continuation, vol. 21. p. 369.

Memoirs of Scotland, p. 215.

to remove the heats which had too long, and too strongly disturbed the quiet of both kingdoms. A considerable party among the Scots, were, at heart, averse from an Union with England, which, they were assured, would form the bulwark of the Protestant succession, and interest the powers of the British government in the security of the Presbyterian church; and had been silent only in expectation, that, in the course of the treaty, difficulties would arise, which the wisdom and management of the ablest politicians would be insufficient to surmount. From this cause proceeded, in a great measure, the clamours which afterwards, from every corner of the kingdom, so loudly remonstrated against an incorporating Union, and many also of those amendments, which, in the Scottish Parliament, it was proposed to make upon some of its articles. *

[1706.] THE Scottish Parliament met on the 3d of October. Her Majesty was represented in it by the Duke of Queensberry; a Nobleman who was well qualified for filling the eminent but difficult station to which he was called by the wisdom of his Sovereign. Calm, steady, and resolute in his temper, he managed with dexterity the contending interests of rivals and of party, and allowed not the provocations of ill-designing men to turn him from the direct and sure prosecution of his country's prosperity.

* Defoe's Hist. p. 2. of the history of the last session of the Scottish Parliament.

prosperity. In her letter to the Scottish Parliament, her Majesty urged the ratification of the treaty as a measure of the greatest utility. "The Union, she said, had long been the desire of both nations; and we shall esteem it the greatest glory of our reign to have it now perfected, being fully persuaded, that it must prove the greatest happiness of our people. An entire and perfect Union will be the solid foundation of lasting peace; it will secure your religion, liberty, and property; remove the animosities amongst yourselves, and the jealousies and differences betwixt our kingdoms. It must encrease your strength, riches, and trade; and, by this Union, the whole island being joined in affection, and free from all apprehensions of different interests, will be enabled to resist all its enemies, support the Protestant interest every where, and maintain the liberties of Europe." The same reasons for an entire and an incorporating Union, which were stated by her Majesty, were further enforced by the speeches of the Commissioner, and of the Earl of Seafield the Lord Chancellor of Scotland. The articles of Union, as they had been drawn up by the Commissioners for both kingdoms, were read, and ordered to be printed. * They were repeatedly read before the House; and from this day, till the beginning of November, submitted to the consideration of the members of Parliament, before they entered upon the final discussion and ratification of any one of them. The minutes of

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* Minutes of Parliament, No. 2. 1706.

the proceedings of the Commissioners were read also in Parliament; and all the records, relating to former treaties of Union betwixt the two kingdoms, were ordered to be laid upon the table.

SOON as the articles of the treaty were made known, and the nature of it understood, the flame of discontent and opposition began to arise. Writings against the treaty were industriously circulated throughout the kingdom; * and the emissaries of party were sent forth to harangue the people into the spirit of turbulence and resistance. Arguments, the most popular and insinuating, were employed to stir up every where an aversion from the treaty. To a people who were fondly attached to their religion, and their independence, it was insinuated, that their church would be in danger; that, in a short period, the Presbyterian form of church government, discipline, and worship, would be overthrown by a British Parliament, in which the representatives from Scotland would be few, and liable to bribery and corruption; that Scotland would be governed at the pleasure of the English, and become a dependent province; that the sovereignty of the kingdom, for which their ancestors had fought, and which, for many hundred years, they had with great bravery defended against the repeated encroachments of the enemy, was now voluntarily to be surrendered; and, that even the ensigns of their former glory and independence, were

* Defoe, p. 17.

were to be resigned.* It was added, that, in the degrading circumstances to which the country would be reduced, their trade would continue to languish and decay; for the nation would lose the valuable privileges which it possessed in France, and would not be indemnified by the advantages which would accrue to it from an Union with the kingdom of England; nay, hence would be drained of the money, which, notwithstanding its former misfortunes, still remained in it; for the opulent would repair to the seat of preferment and amusement, and would there spend the revenues, which should have contributed to the improvement and to the industry of their native country; hence, also, would be laid upon the people, an insupportable load of taxes, which would heighten the price of every commodity, and of every convenience of life; now, therefore, was the time for saving themselves from oppression, and their country from slavery and subjection; now, a vigorous defence of their privileges, might intimidate those who were basely betraying the kingdom for their private emolument, and robbing it of all its ancient and independent honours. Into such a tumult were the multitude wrought, and so keen was their aversion from an incorporating Union with England, that crowds filled the Parliament Close, and Outer Parliament House, at such times as the Parliament was assembled, and broke forth into the most indecent

* Defoe, p. 17, 18, 19. Smollet's Hist. chap. ix.

decent invectives against those who had been the promoters of it. * The representative of her Majesty was indecently reviled as he passed along the street, while the leaders of opposition seem to have triumphed in the shouts of a young and thoughtless mob. † The opposition in Parliament to the Union, was conducted by the Dukes of Hamilton and Athole, the Marquis of Annandale, the Lords Belhaven and Balmerino, Sir David Cunningham of Milncraig, and Mr Fletcher of Salton.

Soon after the publication of the treaty, so fierce did the animosity of the people grow, that it burst forth into acts of fury and of revenge. They assembled together on the night of the 23d October; and, in the first transport of their rage, proceeded to assault the house of Sir Patrick Johnston, the late Lord Provost of Edinburgh, who had been one of the Scottish Commissioners. The Town-guard was immediately brought for his protection; they apprehended six of the rioters, and put his family in security from further violence. But the mob was not dispersed; it increased prodigiously, and committed deeds of resentment without controul. Those members of Parliament, who favoured the Union, were insulted as they returned to their

* Memoirs of Scotland, p. 222.

† The Duke of Hamilton, says the author of the Memoirs of Scotland, was huzzaed, and conveyed every night with a great number of *apprentices, and younger* sort of people, from the Parliament House to the Abbey, exhorting him to stand by the country, and assuring him of support, p. 232.

their houses; and neither here were they free from molestation; for, as it is usual in cases of riot, the windows of these were broken. The mob continued to encrease, and it was now midnight. The minds of the peaceable citizens were filled with terror and with alarm, and with anxiety for the safety of their friends, as they heard, at intervals, the threatenings of the furious multitude, and the beating of their drums. The Commissioner, to whom notice of all that had happened was conveyed, thought it now full time to exert the arm of lawful authority, for the security of the good subjects, and for restraining the menaces and designs of the rabble. Accordingly, he sent to the Lord Provost, and desired that admittance might be given to the Guards into the city, for the restoration of order. It was not without some reluctance, that the Lord Provost yielded his consent to this request, as it was alledged, that, in no former instance, the Magistrates had departed from their right of governing the city within the liberties thereof, or had employed any other force than their own, for the preservation of its peace.* A detachment of the Foot-guards, had already taken possession of the Netherbow-port, and now a battalion of them marched into the city; they drew up in the Parliament Close, and took post in all the avenues of the city. This appearance of a strong military force intimidated the mob, and caused them to disperse, without attempt-

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* Defoe, p. 29.

ing any further act of insult or of riot. Next day, the Privy Council assembled, and gave their approbation to the conduct of the Commissioner; and for the future maintenance of order and of quiet within the city, they appointed the Foot-guards, and regiments of Grant and of Strathnaver, to do duty there; and emitted a proclamation for the suppressing of tumults, in which it was declared, that no soldier should be liable to a prosecution before any criminal Court, for any slaughter or mutilation committed in dispersing unlawful and disorderly convocations of the people. From this time, a party of the Horse-guards attended the Commissioner, to protect him from insult as he came to the Parliament House, and as he went from it. To put an end to that indecent freedom, with which the multitude had hitherto treated the Members of Parliament, as they entered, or as they departed from the House, a guard was placed in the Parliament Close, and removed at some distance the crowd which formerly beset its doors.

UPON this trying occasion, the conduct of the Commissioner was eminently firm and wise. The arm of authority, which, under his sagacious management, was employed with such effectual force, overawed the enemies of the government, and defeated the violent schemes, by which they thought to have prevented an Union of the kingdoms. The thanks of the Parliament were given to the Privy Council, for their spirited exertions in maintaining

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the public tranquillity ; and it was recommended to them, and to the Lord High Commissioner, to continue their care for the safety of the Parliament, and for the quiet of the city.* Against this vote of the House, a protestation was made by the Earl of Errol, who alledged, that, by the late measures, the rights of his office, as Lord High Constable of Scotland, had been violated. To this protestation, a great number of the antiministerial party adhered. In the bitterness of disappointment, they exclaimed, that the Parliament was overawed by an armed force ; that the freedom of speech, and of debate, was taken away ; that the evils of an arbitrary government were again introduced ; and, that prejudice had been done to the undoubted privileges of the city. But their clamours abated not any thing of the vigour of those measures, which tumults, bred from the spirit of faction, or from misguided zeal, rendered absolutely necessary for the attainment of the public good.

It was not in the capital alone, that the discontents and murmurs of the people broke forth into acts of fury and of disorder. At Glasgow the mob assembled under the management of one Finlay, who was a person of abandoned morals, and who had been a serjeant in Dumbarton's regiment ; and though at first they were dispersed by the militia, they again gathered together, and by various acts of pillage and of riot, disturbed the peaceable inhabitants.

* Minutes of Parliament, No. 9. 1706.

bitants. A party of the military was dispatched from Edinburgh, and seized upon Finlay and Montgomery, the leaders of the rioters, who were detained prisoners, till after the completion of the Union, and were then restored to their liberty.*

JEALOUSIES and fears had been industriously infused into the minds of the rigid Presbyterians, who had not yet forgotten the vexations, to which, on account of their religious opinions, they had been exposed. It was insinuated, that an Union with England, in which Prelacy was established by law, would be a breach of their solemn League and Covenant, by which they were bound to endeavour its extirpation, and would finally involve in it the ruin of their modes of discipline and worship. Agitated by these jealousies and fears, they gathered together in a great body in arms, and, at mid-day, entered into the town of Dumfries. There they burnt the articles of the Union, and names of the Commissioners, at the market place; and, having affixed upon the cross a paper in vindication of their conduct, they marched again out of the town, and then quietly dispersed. †

BUT not merely in the rabble did the spirit of aversion from an incorporating Union appear; it extended in its progress to all ranks, and set in opposition to the measures of administration, men of the most opposite principles and views. Men of all ranks were unable to reconcile their minds to the loss of their Parliament,

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* Defoe's Hist. p. 70—72. Life of Queen Anne.

† Debates in the House of Commons, vol. 4. Nov. 20th.

and to the resignation of the ancient honours of the kingdom, and thought that they saw, arising from such an Union, multiplied dangers and distresses to their country. Counties, burghs, and even parishes, addressed the Parliament upon this great and interesting occasion, and besought them not to part with the rights which had been transmitted to them by their forefathers, and not to encrease the burthens of the people. Against an entire and incorporating Union with England, addresses were made to Parliament by thirteen counties, two stewartries, nineteen burghs, seven towns, and fifty-four parishes. Burnet observes, that little regard was paid to these addresses, when the means were known by which they were procured.* The Duke of Argyle said humourously in the Scottish Parliament, that he saw no use for which they were good, but to make kites of them.† The Earl of Marchmont alledged, that they were seditious, and that they should not be read in Parliament; and his proposal seemed to gain the assent of the House, till it was observed by Sir James Fowlis, that if the addresses were not received from the members to whom they were entrusted, he doubted not but the subscribers themselves would come and acknowledge them at the doors of the House, and crave liberty to deliver them with their own hands. ‡

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* Burnet's Hist. of his own times.

† Memoirs of Scotland, p. 235.

‡ Memoirs of Scotland, p. 236.

So generally had the spirit of aversion from an incorporating Union diffused its influence, and so great were the indignities which it was apprehended would thereby be done to the nation, that even the trading part of the inhabitants, whose advantage was the most immediately to be promoted, remonstrated against it. The Convention of Royal Burghs, in their address to Parliament said, that, by the articles of the treaty, the Scottish Monarchy and Parliament were suppressed; their religion, liberties, laws, government, Claim of Right, trade, and every thing dear to them, put in danger of being encroached upon, altered, or wholly subverted by the English in a British Parliament.* The African Company presented also an address, in which they complained, that the treaty of Union, which was now under consideration, did not provide an adequate compensation for the losses which they had sustained, and was subversive of the many valuable privileges which were confirmed to them by every legal sanction.

NEITHER was the Church silent, at a time when the public mind was so greatly agitated, and when apprehensions for their rights and their immunities, pervaded every order and denomination of men. Three Presbyteries, Hamilton, Dunblane, and Larnark, presented addresses to Parliament, remonstrating against an incorporating Union with England, as a measure that would be attended with woeful effects

* Defoe, Appendix, p. 8.

effects upon their liberties, both civil and religious, and that would bring the nation under the guilt of perjury. * The language, however, of prejudice, and of misconception, came but from a few; the great body of the clergy of the Church of Scotland conducted themselves, at this trying period, with such prudence and moderation, as did honour to the virtue and the wisdom of their order, and as contributed not a little to retain the people within the bounds of obedience to the established authorities of Government, and ultimately to acquiesce in the measures of administration. † As the natural guardians of the privileges of the Church, the Commissioner of the General Assembly, [October 17. 1706.] became early solicitous for the security of their ecclesiastical government, and, in an address which they presented to Parliament, craved, that no treaty of Union with England should be ratified, till the Presbyterian form of Church government, discipline, and worship, should be established, and confirmed in the most effectual manner, and rendered unalterable to all succeeding generations. They afterwards stated, in a petition to Parliament, the cases in which they apprehended that prejudice would arise to the Scottish Church from the proposed Union, if no provision should be made for them. In the *first* place, they represented, That the sacramental test being the condition of access to places of trust, and to benefices from the Crown,

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* Defoe, Appendix, p. 23.

† Defoe, p. 27.

all Communion would be debarred from the same, if not in Scotland, yet through the rest of the British dominions. *Secondly*, That the Scottish Church and nation might be exposed to the danger of new oaths from a British Parliament, unless it should be provided, that no oath or test of any kind should be required of any minister or member of the Scottish Church, which should be inconsistent with its known principles. *Thirdly*, No provision being made in the treaty for the security of the Church by a Coronation oath, that, therefore, in the Coronation oath, which should henceforth be taken by the Sovereigns of Great Britain, they should be bound to maintain the doctrine, worship, discipline, and government of the Scottish Church, and all its privileges, as by law established. In the *fourth* place, they stated, That prejudice would be done to the Church, unless a Commission should be appointed for the Plantation of Kirks, and Valuation of Teinds, and for making up the registers of that Court which were burnt. They further adverted to the second part of the oath of abjuration, which, referring to acts of the English Parliament, unknown to many of the Scots, could not be taken by them with judgment; and, they concluded with asserting, that it was contrary to their known principles, and covenants, that churchmen should bear civil offices, or have power in the commonwealth. It was remarkable, that the Episcopalians, who hitherto had borne an implacable enmity to the Presbyterian form of Church government, now suddenly became the most zealous advocates for the privileges of the
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Scottish Church, and loudly declaimed upon the dangers to which, from the proposed Union with England, it would be exposed. But, the wiser part of the clergy easily discerned the ends which discourse, so much at variance with their known principles, was intended to promote; and cautiously avoided the hasty measures, which would have been no less hurtful to themselves, than ruinous to the general prosperity of their country.* Such was the temper into which the nation was wrought, no less by the intrigue and stratagem of party, than by a real aversion from the Union. So strong was the current of opposition, that the Scottish ministry were willing, for a while, to have yielded to its violence, and to have delayed the further prosecution of an Union, till time should have softened the minds, and opened the eyes of the people, and they actually made a proposal of that nature to the Earl of Godolphin; but he would not listen to it.† Delay, he apprehended, would only be a continuation of the disturbances which rent the two kingdoms, and an utter dereliction of the measure; and, therefore, he urged them to persist in their endeavours for bringing it to a conclusion, and he promised to aid them, even with a military force, in extricating themselves from the difficulties that might occur. He remitted a sum of money to Scotland, to be employed in confirming

* Defoe, p. 35.

† Smollet's Hist. chap. ix. Burnet.

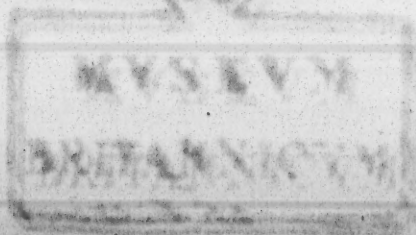
Tindal's Continuation, vol. 22. p. 122.

firming the friends of the ministry, and in softening the asperity of their opponents, and he gave orders to the troops, in England and in Ireland, to be ready at a call. The prosperous circumstances of the confederated arms abroad, put it in his power to give the Scottish administration the most effectual support; for the great genius of Marlborough still triumphed in the field of battle, and reduced the ambition of Lewis XIV. within more moderate bounds.

THE same causes which encreased the indignation and resentment of the people, prompted the endeavours, by which the opposing party in Parliament laboured to retard the day which was to terminate their most flattering prospects and hopes. [Nov. 1. 1706.] Their first attempt was to obtain a delay, until the sentiments of the English Parliament, concerning the Union, should be known, and until the Members of Parliament should have time to consult their constituents, concerning a treaty which was so materially to affect their most valuable privileges. When this proposal failed in producing its intended effect, it was moved, in the next place, that before the House should proceed to ratify any of the articles of the Union, they should hear what security the Commission of the Assembly had to offer for the Church government. This motion also was rejected; but, to quiet the apprehensions of the clergy, it was resolved to draw up, immediately after the consideration of the first article, an act for the security of the doctrine, discipline,

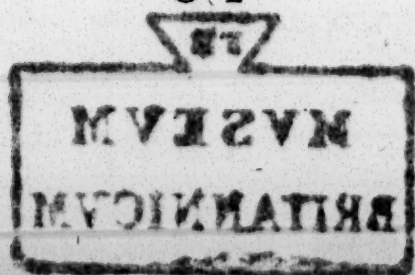
cipline, worship, and government of the Church of Scotland, as by law established. When the party perceived, that all their endeavours for delay were fruitless, and that the House was fixed in its purpose of taking the first article of the Union under consideration, they strove to avoid the ratification of it, by arguing, that it would be absurd in Parliament, to give their consent to the treaty of Union, until they knew its substance, and were well assured that it was for the interest of the Scottish kingdom. The first article of the treaty, they said, involved in it the subversion of the Monarchy, and the sinking of the Parliament, and to give their consent rashly to it, would be an exposing of the country to the greatest hazards; for, after their ratification of this article, it was possible that the Royal assent also might be obtained, and then an adjournment of the Parliament might be made, which would leave the nation without terms, or constrain it to accept such as the English should think it proper to prescribe. * This reasoning appeared to many plausible, and they seemed to listen to it; but a motion made by the Lord Register, met and removed the apprehensions which it was intended to create. He proposed, that the House should proceed immediately to the consideration of the first article of the treaty, but under this restriction, that if all the other articles should not be adjusted by Parliament, then their agreeing to it, and their approbation of it, should be of no effect.

* Memoirs of Scotland, p. 250.



fect. In the course of those debates, to which this article gave rise, it was affirmed, that the scheme of an incorporating Union, would furnish an aspiring Prince with a handle for overthrowing the liberties of all Britain; for, if the Parliament of Scotland could alter, or rather subvert its constitution, there was nothing to prevent the Parliament of Great Britain from assuming the same power; and, that to such illegal usurpation, little resistance would be made by the representatives from Scotland, who, by their poverty, would become dependent on their richer neighbours, in possession of the means of corruption; and who, by their easy renunciation of their own constitution, could not be supposed capable of being strongly attached to any other. Perceiving that all their busy and animated exertions were insufficient to overcome the disposition of the House towards the ratification of this article, the speakers of the party fell into the most pathetic lamentations over the impending degradation of their country, and seem, from the greatness and the nature of the subject of debate, to have derived an enthusiasm, and an enlargement of mind, which raised them, as it were, above themselves. "What, said the Duke of Hamilton, shall we, in half an hour, yield what our forefathers maintained, with their lives and fortunes, for many ages? Are here none of the descendants of those worthy patriots who defended the liberty of their country against all invaders; who assisted the great King Robert the Bruce, to restore the constitution, to revenge the falsehood

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falsehood of England, and the usurpation of Baliol? Where are the Douglasses and Campbells? Where are the Peers? Where are the Barons, once the bulwark of the nation? Shall we yield up the sovereignty and independency of the nation, when we are commanded by those we represent to preserve the same, and assured of their assistance to support us?"

THE Lord Belhaven delivered his sentiments upon the same subject, in a speech which was greatly celebrated. "When I consider, said he, this affair of an Union betwixt the two nations, as it is expressed in the several articles thereof, I find my mind crowded with variety of very melancholy thoughts, and I think it my duty to disburthen myself of some of them, by laying them before, and exposing them to the serious consideration of this honourable House.

"I THINK I see a free and independent kingdom, delivering up that which all the world hath been fighting for since the days of Nimrod; yea, that for which most of all the Empires, Kingdoms, States, Principalities, and Dukedoms of Europe, are at this very time engaged in the most bloody and cruel wars that ever were, viz. a power to manage their own affairs by themselves, without the assistance and counsel of any other.

"I THINK I see a national Church, founded upon a rock, secured by a Claim of Right, hedged and fenced



fenced about by the strictest and most pointed legal sanctions that Sovereignty could contrive, voluntarily descending into a plain, upon an equal level with Jews, Papists, Socinians, Anabaptists, and other sectaries.

“ I THINK I see the noble and honourable Peerage of Scotland, whose valiant predecessors led armies against their enemies upon their own proper charges and expences, now divested of their followers and vassalages, and put on such an equal foot with their vassals, that I think I see a petty English exciseman receive more homage and respect, than what was paid formerly to their quondam Mecallanmores.

“ I THINK I see the present Peers of Scotland, whose noble ancestors conquered provinces, overrun countries, reduced and subjected towns and fortified places, exacted tribute through the greatest part of England, now walking in the Court of Requests, like so many English attornies, laying aside their walking swords when in company with the English Peers, lest their self-defence should be found murder.

“ I THINK I see the honourable Estate of Barons, the bold assertors of the nation's rights and liberties in the worst of times, now setting a watch upon their lips, and a guard upon their tongues, lest they should be found guilty of *scandalum magnatum*.

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“ I THINK I see the royal state of Burghs walking their desolated streets, hanging down their heads under disappointments, wormed out of all the branches of their old trade, uncertain what hand to turn to, necessitated to be apprentices to their unkind neighbours, and yet, after all, finding their trade so fortified by companies, and secured by prescriptions, that they despair of any success therein.

“ I THINK I see our learned Judges laying aside their practiques and decisions, studying the common law of England, gravelled with *certiorari*'s and *nisi prius*'s, writs of error, injunctions, demurrers, &c. and frightened with appeals and advocations, because of the new regulations they may meet with.

“ BUT, above all, I think I see our ancient mother Caledonia, like Cæsar, sitting in the midst of our senate, ruefully looking round about her, covering herself with her royal garment, attending the fatal blow, and breathing out her last, with an *et tu quoque mi fili*.

“ ARE not these very afflicting thoughts, and yet they are but the least part suggested to me by these dishonourable articles. Should not the consideration of these things vivify these dry bones of ours? Should not the memory of our noble predecessors

cessors valour and constancy, rouse up our drooping spirits." *

ON the side of the Court, the cause of the Union was managed with singular ability and skill by the Earls of Seafield and Stair, whose great exertions, in carrying forward the treaty, were extremely beneficial to their country. The Earls of Roxburgh and Marchmont, and the whole Squadron, had also now become zealous supporters of the Union, and, without their aid, the utmost efforts of the Scottish ministry had been ineffectual for its successful termination. The generous patriots, who composed this independent band, rose high in the estimation of their countrymen, as they appeared to act from no sordid motive of selfish interest; but, in concurring with the administration, discovered a magnanimity that was superior to provocation, and that disdained the mean indulgence of resentment, when the visible good of the whole island called upon them to resist its impulse. † Their high virtue, resembled that of the brave and generous Athenian Chief, who, after having conquered the tyrants that oppressed his country, caused, for its prosperity, his fellow citizens to bury all their quarrels in oblivion. It is a pleasant task to rehearse so noble an exertion of generosity of mind, and to transmit to others an example,

* Debates in the House of Commons, vol. 4. Defoe, p. 33.

† Lord Somers' Tracts, vol. 3. p. 223. Tindal's Continuation, vol. 22. p. 102.

example, which inculcates the advancement of the public prosperity as an object, to which every consideration of private interest and gratification ought to yield. Before the vote was put upon the first article, the Duke of Athole protested against an incorporating Union, as contrary to the honour, interest, fundamental laws and constitution of the kingdom of Scotland, the birthright of the Peers, the rights and privileges of the Barons and Burghs, and to the Claim of Right, property, and liberty of the subject. To this protest, eighteen Peers, and forty-six Commoners adhered. * [Nov. 4. 1706.] The article was approved of, by a majority of thirty-three voices, which was nearly the number of the Squadron. The representatives of the Barons and Burghs, were almost divided equally. The Peers, who were to suffer the greatest diminution of their importance, were the persons who carried every vote in favour of the Union, and who bore the obloquy of the party in opposition, for their steady virtue in the service of their country. A list of the members, as they voted, was ordered to be printed.

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* Minutes of Parliament, No. 15.

The numbers who voted for and against the first article of the Union, were as follows :

For it,	Peers,	46	<hr/>	116
	Barons,	37		
	Burghs,	33		
Against it,	Peers,	21	<hr/>	83
	Barons,	33		
	Burghs,	29		

AFTER giving this auspicious beginning to the consideration of the articles of the treaty, the Parliament proceeded, according to the resolution which they had made, [Nov. 9.] to fix the unalterable foundation on which the Scottish Church was to rest securely through all succeeding times. They ratified the acts which had already been made for the establishment of the Presbyterian discipline and government; and they provided for the future continuance of the Universities and Colleges of St Andrews, Glasgow, Aberdeen, and Edinburgh. It was also enacted, that no test, inconsistent with the principles of their ecclesiastical establishment, should be imposed upon Scotsmen within the bounds of the Scottish kingdom; but a motion for rendering them capable of any office, civil or military, and of holding any command or place of trust under the Sovereign, within any part of Great Britain, was rejected, * as it was easy to discern how much such a clause would have impinged upon the sacramental test in England, and set, in opposition to the Union, the zealous supporters of the English Church. This act of security for the Presbyterian Church government in Scotland, was to form an essential and fundamental part in the treaty; and, in no future period, was the constitution of the Scottish Church to be liable to alteration. And this early confirmation of their religious privileges had no doubt an influence in quieting the appre-

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* Minutes of Parliament, No. 19. 1706.

hensions of the Scottish clergy, and in procuring their concurrence with the treaty.

THE second article of the Union, which fixed the succession to the British throne in the Protestant line; and for the establishment of which the English were willing to open to the Scots the sources of their wealth, * [Nov. 19.] fell next under the consideration of the House. The party who opposed this article, so hostile to the principles and views of the Jacobites, had recourse to their former arts; and pressed, previously to the approbation of it, the consideration and the establishment of such limitations upon the successor to the Crown, as should effectually secure from injury the constitution of the kingdom, and the rights of the subjects, from the encroachments of arbitrary power. This, they argued, it was the more necessary now to do, as, according to the language of those who favoured the Union, every article of it was punctually to be observed in all succeeding times, and nothing to be altered, without carrying along with it the overthrow of the whole structure. To many among the Scots, the limitations on the Crown, already adopted by the English Parliament, appeared to form the wisest and the most sufficient guards of the rights and liberties of the subject; and, with a manly frankness, the Scottish ministry now observed, that the good of the kingdom could not be prosecuted to more advantage, than under the wisdom and the watchfulness of a British

* Defoe, p. 68.

British Parliament ; and, therefore, to it all deliberations for the security of the constitution were to be referred. While the House was employed in deliberating upon this article, a motion was made for addressing her Majesty, and for representing the great aversion which many persons had from an incorporating Union with England ; and, at the same time, to assure her Majesty of their willingness to settle the succession in the Protestant line upon limitations, and to suggest to her the propriety of granting some recess for the accomplishment of so desirable a measure. This motion was rejected, and, notwithstanding the strong opposition which was made to it, the article was approved of by a majority of fifty-nine voices. The Earl of Marshall protested against this article, as making an unconditional designation of a successor to the Crown of the realm of Scotland, and, to his protest, 15 Peers, and 31 Commissioners of Shires and Burghs adhered.

THE third article, which stipulated, that both kingdoms should be represented by the same Parliament, was a subject of copious declamation ; and was, by much specious and animated argumentation, opposed by those who were unwilling to resign the separate and distinct Sovereignty of the nation. The Country party, says a writer of that period, did all that men could do, to shew what destruction this article alone, supposing there was no more, would bring infallibly upon the nation. On the side of Opposition, it was stated, that the very existence, and the durable establishment of

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authority,

authority, required in every nation, and under every form of government, certain fundamentals, or original constitutions, which were liable to alteration from no power whatever. Of these, the rights and privileges of Parliament were the most valuable and sacred; and were so independent of all human authority, that no power on earth could legally prohibit the meeting of Parliaments, or deprive any of the three Estates of their right to sit and vote in Parliament, or surrender any part of the authority and privileges which belonged to the supreme Court; the treaty was, therefore, so far a violation of these fundamentals, as by it the Parliament of Scotland was entirely abrogated; its rights and privileges surrendered, and those of the English Parliament substituted in their place. They argued further, that if the Scottish Parliament had a power of altering or of resigning any of their original and unalienable rights, a British Parliament might do the same also; and, in that case, there could be no security for the performance of any of the stipulations of the treaty; that even upon the supposition that the Parliament had a power of altering its original constitution and rights, yet such a procedure could not be adopted without the consent of every Member; for, though the Legislative power was regulated by a majority of voices, yet the alienation of the national rights and privileges was not subject to suffrage. These were founded on dominion and property, and could not be relinquished, without the consent of every person who had a right to be represented in Parliament. It

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was also alledged, that the Scottish Members of Parliament being necessitated to reside long in London, would there spend their revenues, and contribute to exhaust the country of its specie. * To these arguments, which, with singular industry, were urged against the resignation of the separate and distinct Sovereignty of the kingdom, Mr Seton, who had been one of the Commissioners, ably replied: " I have heard it asserted, said he, that there are fundamentals of government, which this House cannot alter without the consent of every Scotsman; but where were these stipulated? Where are they recorded? Were these made by our forefathers at the first institution of their government, and have all succeeding Parliaments sworn to their observance? I believe there are no fundamentals of government in any nation, which are not alterable by its supreme power, when the circumstances of times require it; and whoever is acquainted with history may learn, that there are no people at present in Europe, who, in different ages, have not suffered variety of changes in government. I do, indeed acknowledge, there are fundamentals in nature, *viz.* liberty and property, which this House can never destroy, without exceeding its utmost bounds of power, that are always limited to the public good. Nevertheless, this honourable House is only capable of judging of the most proper means for securing these fundamentals; and, for my part, I sincerely believe, that no judicious man

* Memoirs of Scotland, p. 26.

man will say there is the least danger of our liberty and property, by an Union of Parliaments, when he reflects, that the people of England have been, in all ages, noble assertors of the rights of the subject; have spent much blood and treasure in defence of the liberties of their neighbours; and, that after this Union, encroachments on the rights of the subjects of any part of Great Britain, must endanger the liberty of the whole." Before the vote was stated on this article, the Marquis of Anandale entered a protest against the treaty now under the consideration of the House, as subversive of the Sovereignty, fundamental constitution, and Claim of Right of the Scottish kingdom, and as threatening ruin to the Church as by law established. He was supported by 15 Peers, and 37 Commissioners from Counties and Burghs. The approbation which this article received from Parliament, rendered more desperate the hopes of the Jacobites, and determined them to have recourse to arms, as the only mean which remained for preventing the conclusion of a treaty so hostile to their views. While these things were warmly argued within doors, says the author of the History of the Union, and while the people were in the utmost fermentation, and the whole nation seemed to be in an agony, the enemies of the Union went about bemoaning Scotland, and fighting for the dying constitution; and a noble Lord, standing up to make a speech on this occasion, but who was prevented by the order of the day, mournfully said, "It was hard he could not be allowed to speak one word

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for their dying constitution." It was proposed to add to the third article, a clause appointing the Parliament of Great Britain to meet and sit at least once in three years in Scotland, but it met not with the approbation of the House.

HITHERTO, the struggles of opposition had been directed against the general principles of the Union; and, had success attended them, an essential injury had been done to the kingdom. Hitherto, they had boldly attempted to shake the foundations of a stable Union, and thereby to overturn the whole structure of it; but, from this time, their attention was turned to the enlarging or amending of the other articles of the treaty, as they came, in their order, under the consideration of the House; and, though this, in various cases, was done with a design of breeding, in the minds of the English, an aversion from the treaty, yet, in some cases, the public good was advanced and secured. Accordingly, as the Parliament proceeded to the consideration of the articles which respected commerce, care was taken to have the same drawbacks, as well as bounties, that were allowed to the English, extended also to the Scots. And as the Scots exported considerable quantities of oat-meal to the coasts of the Baltic, and from this trade derived encouragements that were favourable to the agriculture of the kingdom, it was provided, that, after the Union, when the quarter of oats should be sold for fifteen shillings or under, two shillings and sixpence Sterling should be paid as

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a bounty upon every quarter of oat-meal exported. For the further encouragement of the Scottish agriculture, the prohibitions already established by law, against the importation of Irish, or foreign victual or meal, were continued; but how far this last was a wise measure, or calculated to promote the improvement of the kingdom, may justly be questioned. Scotland, even under better methods of cultivation than were then known, has not been able to produce a sufficient quantity of grain for the sustentation of its inhabitants; the prohibiting, therefore, of a measure which was absolutely necessary to the existence of the people, could only tend to raise, exorbitantly, the price of all the necessary articles of life, and to cramp all the exertions of industry and enterprize. It was also provided, that Scottish cattle, passing into England, should be subjected to no other tolls or exactions, than the cattle of England were liable to within the said kingdom. And, as the Scots were eager to adopt such means as promised to promote the agriculture of their country, so were they equally anxious for the success of its woollen manufactures. Accordingly, to encourage and promote the manufacturing of coarse wool, in the southern counties that produced it, and which, either from a want of industry, or of capital, had hitherto been exported to a foreign market, two thousand pounds annually, for the space of seven years, were allotted out of the funds of the Equivalent. Neither, in deliberating upon the Articles of the Union, was the attention of the Scottish Parliament confined

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to the commerce, the agriculture, and the manufactures of their country, the stable and the extensive sources of its wealth, it was also turned to the means of distributing justice, and of securing a wise enforcement of the municipal laws of the kingdom. Aware of the immense blessings which flow to a people from approved wisdom and knowledge in the seats of Judgment, the Scottish Parliament established it as a regulation, which should subsist with the endurance of the Union, that hereafter none should be named by her Majesty, or her Royal successors, to be ordinary Lords of Session, but such as had served in the College of Justice as Advocates or Principal Clerks of Session, for the space of five years, or as Writers to the Signet for the space of ten, and that no Writer to the Signet should be capable of being admitted a Lord of Session, unless he had undergone a private and a public trial on the Civil law, before the Faculty of Advocates, and by them had been found qualified for the office two years previous to his nomination. *

WHILE Parliament was thus employed in deliberating upon the articles of the Union, and in adjusting the same to the permanent interest of the kingdom, the administration detected a plan which had been formed for raising in arms the western counties of Scotland, who were exceedingly dissatisfied with the terms of the treaty; of marching them

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* Minutes of Parliament, No. 50. 1707.

to Edinburgh, and of dissolving, by force, the Supreme Court of the Nation. * The suspicions and fears about their religion, which the enemies of the Protestant succession had infused into their minds, and the little attention which by Parliament was paid to their addresses, stimulated the Cameronians, and rigid Presbyterians of the western counties, to adopt the last resources of an agitated, and of a despairing mind. Their leaders met together, and had several conferences upon the means of preventing the ruin, which they apprehended now threatened their religious and their civil establishment. In the present circumstances, they concluded, that no measure could be more effectual for retaining and securing the independence of the kingdom, than to recal the son of James VII. to the throne of his fathers, and to put an end to the sitting of Parliament by the force of arms. They dispersed their emissaries throughout the kingdom, established every where a correspondence with the discontented, and invited them to become their associates in so great an enterprise. † They provided themselves with horses and with arms, and were divided into regiments. Cunningham of Eckat, a man disgusted by disappointments, and prepared for enterprizes of danger by the various events of his life, was one of their principal confidants and leaders. Cunningham discovered the temper of his associates, and opened the desperate scheme which he had conceived

* *Memoirs of Scotland*, p. 277.

Hooke's Negotiations, p. 12. and p. 34.

† *Memoirs of Scotland*, p. 278.

ceived in his own mind to Mr Brisbane of Bishop-ton, a zealous Cavalier, and demonstrated to him how easy it would be, with so great a body of men, to controul the administration of the kingdom. Mr Brisbane communicated the whole matter to Mr Cochrane of Kilmarnoch, and to Mr Lochkart of Carnwath, who approved of the plan which Cunningham proposed, who encouraged him to carry it into execution, and who, for the supply of his immediate necessities, furnished him with fifty guineas; and they also promised to provide for his widow and his children, in case his hazardous undertaking should bring misfortune upon himself. Before he set out to join the discontented, Cunningham expressed a desire of knowing what countenance would be given to his measures by the Dukes of Hamilton and Athole; and whether, if the progress of his bands from the west to Edinburgh, should meet with opposition, the Duke of Athole would undertake to secure, with his Highlanders, the pass at Stirling. The first of these Noblemen, who had a great property both in Scotland and England, was unwilling directly to engage in a scheme so wild and desperate; but insinuated, that he would do all that an honest man could require of him. The Duke of Athole frankly undertook the defence of the pass of Stirling; and keenly urged the execution of the project. Upon these encouragements, and assurances of support, Cunningham immediately set out from Edinburgh for the western shires, and addressing himself to the leaders of the discontented Presbyterians and Ca-

meronians, soon gained their confidence, and concerted with them the plan of executing his violent designs. The town of Hamilton was fixed upon, for the place at which the different bodies of the disaffected were to assemble, and the day was appointed on which they were to appear there in arms. Above seven or eight thousand men, prepared by force to set forward their cause, waited the approach of the appointed day; and they would most certainly have been faithful to their engagement, had not the Duke of Hamilton timely and prudently prevented them from going on with so rash an enterprise.* He dispatched, privately, expresses to those who were entrusted with the secret of the project, requesting them to postpone the day of their meeting, and so much was his authority respected by the party, that most of them obeyed his request. When the day, however, arrived, five hundred of them met together at Hamilton; but finding themselves unsupported by their associates, they again retired to their habitations.

THE secret measures, which, under pretence of vindicating the independence of the kingdom, were taken by the Cameronians and rigid Presbyterians, for resisting the government, escaped not the penetration and vigilance of the Commissioner, who had his spies amongst them.† The Parliament

* Memoirs of Scotland, p. 283.

† Ker of Kerland, p. 29. 30. 34.

ment was informed of these tumultuary proceedings, and immediately issued a proclamation against all irregular convocations of the people. And, that no seditious meetings might be held, under the countenance of law, that clause of the act of Security, which required the fencible men to be trained to arms, was repealed. *

THE failure of this desperate scheme of dissolving the Parliament by force of arms, was sufficient neither to repress the activity of the Jacobites, nor to extinguish their zeal. As the mind, pressed by near, and seemingly inevitable danger, catches at every shadow of relief, so the party in opposition, finding their hopes lessened extremely by the vigorous and steady exertions of the Administration, turned from the adoption of one scheme to that of another, with a precipitation that was no less distant from prudence than from success. It was proposed by the Duke of Athole, and Mr Fletcher of Salton, to imitate, in the present exigency, a practice of ruder times; to call together the Barons, the Freeholders, and Heritors, and, in one great and unanimous body, to entreat the Commissioner to lay aside the intended Union, or, at least, to grant a recess, till a representation of the temper of the nation could be made to the Queen, and an order procured for calling a new Parliament, in which provision should be made against the calamities which were so likely to arise from the

* Minutes of Parliament, No. 29. and 30. 1706.

the measures that were now pursued. It was likewise resolved, that whether the Commissioner listened or not to their petitions, an address, representing the same matters, should be presented to the Queen. Here, again, the caution of the Duke of Hamilton frustrated the zeal and views of the party. He refused to concur in the address, unless it contained a clause in favour of the Protestant succession; but, to this, the Jacobites could not be persuaded to yield their consent. Debate after debate ensued upon the subject, without bringing them to any unanimous resolution; and, while time was thus fruitlessly wasted, many of the Cavaliers, who had crowded into the city to support the address, wearied with a tedious and useless attendance, again retired to their seats in the country.* The unusual numbers, which for some days appeared in the streets of the metropolis, drew the attention of her Majesty's ministers, who were enabled to penetrate the whole scheme of the Jacobites, by getting information of the means which had been used for assembling them.† The business was submitted to the consideration of the Parliament, who, to obstruct the further prosecution of a design so hostile to the tranquillity of the country, emitted a proclamation, forbidding such meetings and gatherings of the subjects, as were unwarrantable and contrary to law.

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* Memoirs of Scotland, p. 289.

† Minutes of Parliament, No. 46. 1706.

THOUGH repeatedly disappointed in their views, yet opposition still meditated the trial of another last effort, for resisting the progress of the treaty. The Duke of Hamilton, whose cautious conduct in the two former projects, had blunted the violence of his party, now called together the leaders of the Opposition, and, in a pathetic address, besought them not to resent any former mistakes in conduct, but, burying every ground of quarrel in oblivion, now, at this last hour, to make a vigorous and unanimous effort, for saving the nation from that ruin which was so near at hand; the Parliament having, by this time, advanced to the consideration of the twentieth and second article. The plan which the Duke proposed for the adoption of his party, and which he expected was to intimidate and confound the minds of the Scottish ministry, as well as raise doubts and scruples in the minds of the English, was, that the Marquis of Annandale should renew his motion for settling the succession to the Crown in the Protestant line; and, as it was certain that this motion would be rejected in Parliament by the influence of the Court, he proposed, that a bold protest should be offered upon it, to which the whole Antiunioners should adhere, and then retire immediately in a body from the House. * This plan was received with much approbation by the party, and being imparted

* Memoirs of Scotland, p. 294.

imparted to their friends in the city, a great number of them gathered together at the doors of the Parliament House, on the morning of that day which had been chosen for carrying it into execution. But here, again, the prudence, or the indecision of the Duke, proved useful to his country. In their hasty deliberations, the leaders of Opposition had omitted to fix upon the person who was to offer this bold protest, and the Duke of Hamilton positively refused to be the first in exposing himself to the resentment of the government. This equivocal conduct, in a person of such distinguished eminence and interest, not only ruined the scheme on which the Jacobites had placed their last hopes; but it completely disunited the whole opposition party, who, from this time, acted no more in concert, but, exasperated with repeated disappointments, and despairing, either adopted every one the measures which were recommended by his own judgment, or deserted the House altogether.* The confidence which the Duke's own party had hitherto reposed in him, was turned into jealousy and distrust, and they scrupled not roundly to assert, that he had betrayed them and made his terms with the Court.

WHILE the renewed projects of violence and of opposition [Jan. 6. and 7. 1707.] were coming forward to the birth, and repeatedly ending in weakness and abortion, at the hour which should

* Memoirs of Scotland, p. 326.

have given vigour and energy to their existence, the Parliament, advancing steadily in its deliberations upon the Union, took under consideration the 22d article. This article regarded the representation of Scotland in the British Parliament, and furnished a subject of much specious and popular declamation. It was dishonourable, it was said, for Scotland to submit to a restricted and mutilated representation, which was neither adequate to the taxes which the realm was to bear, nor to the number of its inhabitants, while England retained its representation entire. Scotland ought, therefore, in imitation of her sister kingdom, to retain the undiminished number of her representatives in the Parliament of Great Britain, or still to assert her independence in preserving her own Supreme Court. The debates on this article were long, and managed with great energy on both sides; from that eagerness with which the successful push on to the victory which is to secure all their triumphs; and from that reluctance with which the vanquished quit the last remainder of their hope. When the opposing members saw that this article would also receive the sanction of the House, they expressed their disapprobation of it, and of the whole scheme of the proposed Union, in a number of very spirited protests. The Earl of Buchan protested against it in behalf of the Peers: Lockhart of Carnwath in behalf of the Barons: and Walter Stewart in behalf of the Three Estates. The Duke of Athole offered also his protest against it, for the following reasons: "Because the Peers of the realm, who are

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hereditary members of her Majesty's great Council and Parliament, do hereby become elective, and so her Majesty is deprived of her born Counsellors, and the Peers of their birth-right; and, whereas they are at present one hundred and sixty in number, they are by this article reduced to sixteen; are to be joined with the House of Lords in England, whose number at present consists of above one hundred and eighty, whereby 'tis plain, that the Scottish Peers share of the legislative and judicative powers in the British Parliament, is very unequal to that of the English, though the one be the representatives of as independent a nation as the other, and that it is a plain forfeiture of the Peerage of this kingdom: And as it is the height of injustice, and against the laws and practice of this, and all well governed nations, to forfeit any person without an heinous crime, so 'tis against all laws to forfeit either the Peers that are now present, or those that are minors, and absent, without so much as being called or cited for that end. It is likewise contrary to the true honour and interest of her Majesty and the monarchy, to suppress the estate of Peers, who have formerly been the greatest supporters of the monarchy; and it is dishonourable and disgraceful for this kingdom, that the Peers thereof shall only have rank and precedence next after the Peers of the like order and degree in England, without regard to antiquity, or the dates of their patents, as is stipulated by the following articles of this treaty.

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“ IN the next place, each Shire and Royal Burgh within this kingdom, have the number of their representatives determined by acts of Parliament, whose number, at present, being one hundred and fifty-five, are, by this article, reduced to forty-five, and to be joined to five hundred and thirteen in the House of Commons, where they can have no influence, by reason of the vast disproportion of their numbers ; besides that, the Barons and Burgessees of this nation, by this way of uniting, are deprived of their inherent right of being fully and individually represented in Parliament, both in relation to their legislative and judicative capacities ; and they are not only highly prejudged, in lessening their representatives, but also degraded from being members of the Parliament of this kingdom, where they sit as Judges, in all causes civil and criminal, to be joined to the Commons of another nation, who are accustomed to supplicate for justice at the bar of the House of Lords.

“ THE Barons and Burghs are further prejudged in this, that whereas, now, every Shire and Royal Burgh have their own representatives, one Commissioner will hereafter represent several Shires and Burghs, who, it cannot be supposed, will understand the several interests and concerns of the said several Shires and Burghs whom they may represent. And further, for the present representatives of the Barons and Burghs in Parliament, to offer, by any vote or deed of theirs, to incapacitate their constituents, or deprive them of any part of their

inherent right, is that which their constituents may, and justly do disallow, they only having their commissions with the ordinary power of making or amending laws, and giving supplies; but no ways to alter fundamental constitutions, or to take away or diminish their representation, which is also a plain forfeiture of their constituents of their inherent rights and undoubted privileges, and is contrary to the fundamental laws of this nation, which are the birth-right of the people thereof. From all which it is plain and evident, that this, from a sovereign independent Monarchy, shall dissolve its constitution, and be at the disposal of England, whose constitution is not in the least to be altered by this treaty, and where it is not to be supposed the Scots shall have any weight in the making of laws, even though relative to their own kingdom, by reason of the vast disproportion and disparity of their representation aforesaid; and, therefore, I do also protest, that no vote may hinder or prejudice the Noblemen, Barons and Burghs, as now represented in Parliament, to retain, bruike, enjoy, and exercise all their rights, liberties, and privileges, as fully and freely as hitherto they have enjoyed them."* The Earls of Marshall and of Errol, also entered their protests against this article, in behalf of their own privileges, the one as High Constable, and the other as Marischal of Scotland. A counter protest, to the four first, was presented by the Earl of Marchmont, who termed them presumptuous,

* Memoirs of Scotland, p. 327. Minutes of Parliament, No. 53. 1707.

ous, illegal, and unwarrantable, and who affirmed, that they tended to excite sedition. Sixty-one members, of distinguished rank and loyalty, adhered to his protest.

THE article received the approbation of the House; but the repeated and warm debates to which it gave rise, proved fatal to the Earl of Stair. Anxious for the success of a treaty, which his sagacity and industry had contributed to form, he took a considerable share in the debates, to which many of its articles gave birth, as they became subjects of deliberation in the Scottish Parliament. Fatigued and worn out, by repeated and vehement exertion, he retired at night from the House indisposed, and expired on the morning of the next day. [Jan. 8. 1707.] As a politician, his talents were eminent, and his knowledge of human character extensive and intimate. Much of the success of the treaty of Union was owing to his sagacious management of party,* and to the art with which he was able to combine and direct the different passions and interests of men. Under William III. he had enjoyed a considerable share of the Royal favour, and was entrusted with the chief management of affairs in his own country. It was while he enjoyed the favour of that Monarch, that he advised and executed the barbarous massacre of Glencoe, which has fixed on his character a stain, which all the brilliancy of his parts has not been able to cover or remove.

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* Memoirs of Scotland, p. 96.

A FOOLISH opinion prevailed among the people, that the Crown, Sceptre, and other ensigns of the Sovereignty and independence of the nation, were to be removed and delivered up to the English. For quieting the minds of the people on this head, a clause was added to the 24th article of the Union, by which it was appointed, that the Crown, Sceptre, Sword of State, Records of Parliament, and all other records, rolls, and registers, public and private, should be kept as formerly, and should remain within the kingdom of Scotland during all succeeding times. After having deliberated, at great length, upon the different articles of the treaty, and after having added to them the amendments which appeared to favour the general prosperity of the kingdom, the Parliament formed an act, which ratified the whole treaty, and which received the Royal assent. [Jan. 16. 1707.] The act also, which ratified for ever the Presbyterian form of Church discipline and government, was touched with the sceptre, and inserted into the treaty. And thus, contrary to the opinion and the expectation of many, the business of the Union of the two kingdoms, was brought forward to a happy termination in Scotland, where the rudest, and the fiercest assaults upon it, were to be apprehended from the shock of party. The courage of the Commissioner, firm and intrepid in the midst of tumults and insurrections that would have overwhelmed with terror and despair a weaker mind, contributed not a little to the success with which the measures of administration were ultimately crowned.

crowned. In stemming the tide of national aversion, which run with so strong and general a current against an incorporating Union with England, the Commissioner received the support of the Duke of Argyle, of the Marquis of Montrose, and of the Earls of Seafield and Stair, which was no less steady than it was extensive and vigorous. Having maturely weighed and settled the terms on which the future Union of the two kingdoms was to be formed, the Scottish Parliament proceeded to determine the manner in which the representatives of the Scottish Peers and Commoners, in the British Parliament, were to be elected. It was proposed by some, that the Scottish Peers should, in rotation, take their seats in the British House of Peers; and by others it was urged, that the Eldest Sons of Peers should be excluded from a seat in the British House of Commons. Both these schemes were rejected by the House; and they enacted, that the Sixteen Peers from Scotland should be returned by an open election; the case of the Eldest Sons of Peers, they resolved should remain in the same undefined circumstances in which it then stood, and open to future enquiry and discussion. Of the forty-five members, who were to represent the Scots in the British House of Commons, it was determined, that thirty should be chosen by the counties, and fifteen by the burghs. It had been resolved not to dissolve the present Parliament of England, but that it should constitute a part of the first Parliament of Great Britain; and, in conformity with this determination, the Scottish representatives to
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it were chosen from among the members of the present House.

IN their zeal for the establishment of the reformed religion, the Scottish clergy had neglected to secure for themselves a sufficient revenue from the spoils of the Church at the Reformation. These were allowed to fall into the hands of the Nobles, who had lent their aid in carrying forward so meritorious a work, or into the hands of the Sovereign, who enriched with them the servants and the favourites of the Court. To remedy this evil, which adhered to the original formation of the Scottish reformed Church, and to recover some portion of its patrimony from those who had seized upon it with such rapacious avidity, a Commission of Parliament was appointed in the year 1617, with power to modify stipends out of the Teinds, not below 500 merks in money, or 5 chalders in victual, annually, and not above 1000 merks, or 10 chalders, to such of the clergy as were unprovided with a decent maintenance. On this plan, which was improved and enlarged by Charles I. the zealous, and the forward patron of the Church, Commissions were appointed in the succeeding reigns, and relief, from time to time, granted to those among the clergy, who were oppressed by circumstances of meanness and of indigence. As the Scottish Parliament, out of which these Commissions had uniformly been appointed, was now to close its existence for ever, and resign all its powers to the Supreme Court of the united kingdom,

dom, to which, as it was distant, repeated applications, as emergencies should arise, would have been expensive and tedious, it was resolved to assign the powers of the Commission to the Lords of Council and Session, and to furnish them with authority to decide, in all matters which formerly fell within the jurisdiction of the Commission Court, as fully and freely as they did in other civil causes. Accordingly, a motion for remitting the Plantation of Kirks and the Valuation of Teinds to a Commission of Parliament was rejected, and an act made, which constituted the Lords of Council and Session the permanent Judges in all questions which were formerly cognosed and determined by the Court of Commission. * They were appointed to sit every Wednesday during the course of the Session, for the dispatch of business relating to the Church; and the macers of the Privy Council, who had formerly attended the Commission of Parliament, were to continue their attendance upon the Court of Session, when it should be thus employed.

THE last business of great importance which occupied the attention of the House, was the disposal of the Equivalent. Out of it the debts of the African Company, amounting, capital and interest, to L. 232,884. 5s. 2d. 3f. were ordered to be paid. Indemnification was ordered to be made to private persons for the losses they were to sustain by calling in the current coin of the kingdom; and the ex-
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* Minutes of Parliament, February 17th, 1707.

pences of the Commissioners who had assisted at the last treaty, and at that of 1702, were ordered to be paid out of this fund. And, as has already been noticed, two thousand pounds annually, for the space of seven years, were appointed to be paid out of it for the encouragement of those southern counties of Scotland that produced wool. The Parliament had entrusted the consideration of the calculations of the Equivalent, and of the debts of the African and Indian Company, to a Committee, who were assisted by the Professors Bower and Gregory; and it was upon the report of that committee that these resolutions now proceeded. When the Equivalent was afterwards remitted to Scotland, it was put under the management of Commissioners appointed by her Majesty, and who were answerable for the disposal of it according to the regulations which had been made by the Parliament. The Commissioners whom her Majesty, in execution of the trust reposed in her, named for the management of this great fund were: Sir Andrew Hume, Mr William Dalrymple of Glenmuir, Mr Robert Sinclair of Stevenson, Sir Thomas Burnet of Leys, Sir John Areskine of Alva, Sir John Swinton of that Ilk, Sir James Campbell of Aberuchel, Sir James Smollet of Bonhill, Sir Patrick Johnston, Mr John Halden of Gleneagles, Mr John Bruce of Kinross, Mr William Seton younger of Pitmedden, Mr John Clerk younger of Pennycook, Alexander Abercrombie of Glasloch, Mungo Graham of Gorthie, Mr John Pringle of Haining, Daniel Campbell, Sir John Cope, Jacob Reynardson, John Bridges

Bridges, James Houblon, Sir James Grant, Baillie of Jerviswood, Graham of Dougalston, Douglas of Kelhead.

A SUPPLY of eight months cefs was granted to her Majesty, for the pay of the troops in Scotland, and for maintaining a few frigates, to protect the coasts from insult and from depredation.

THE business of the session being thus conducted, notwithstanding the fierce and reiterated struggles of the adverse party, to a prosperous conclusion, the Commissioner addressed the Parliament in the following words: "I am persuaded," said he, "that we, and our posterity, will reap the benefit of the Union of the two kingdoms; and I doubt not, that as this Parliament has had the honour to conclude it, you will, in your several stations, recommend to the people of this nation, a grateful sense of her Majesty's goodness, and great care for the welfare of her subjects, in bringing this important affair to perfection; and, that you will promote an universal desire in this kingdom, to become one in heart, and in affection, as we are inseparably joined in interest with our neighbour nation." * This happy termination in the Scottish Parliament, where the strongest opposition awaited it, of a great measure which touched the general state both of Scotland and England, and which variously affected the interests and the passions of many individuals, is a proof of the good effects which flow from a wise, steady, and animated course of management

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* Minutes of Parliament, March 25th, 1707.

in those who have the direction of public affairs; and serves to demonstrate, what blessings they may confer upon posterity, by not listening too rashly to the clamours of misguided patriotism, and of party zeal. To escape shipwreck, it is upon occasions necessary to steer against the contending elements and storm. The Jacobites opposed the treaty of Union, from an attachment to the house of Stewart; the rigid Presbyterians from an apprehension, that it would open a way for the ruin of their religious establishment, and for the return of Episcopacy; others from a love of independence, and from an opinion, that under its shelter, the real improvement of the kingdom would most securely arise. On the other side, many of the independent gentlemen, who were acquainted with the English constitution, promoted an Union of the two kingdoms, from a desire of participating with their southern neighbours in the valuable civil privileges which they enjoyed, which they well knew would set them for ever free from the shameful vexations and encroachments of arbitrary power, which the kingdom had but lately experienced, and would effectually protect them from the partial decisions of their Judges, who were liable to undue influence from the Court.* The trading part of the nation supported the measure, because they saw the impossibility of rising from their present state of depression, without being put on a foot of equality with the English; and because, in the

* Tindal's Continuation, vol. 22. p. 177.

the Equivalent, they beheld the certain mean of indemnification, for the losses which they had sustained by the failure of the Darien settlement. The Court, with all its influence, set forward the treaty of Union, to secure the Protestant succession, and to prevent the bad effects which threatened to spring forth from the Scottish act of Security. Thus Providence, propitious to this island, turned the passions and interests of men to the adoption of a measure which rendered more stable the foundation of its prosperity, and which gave such a permanency to its civil and religious rights, as was not a little afflicting to its enemies.

[March 25. 1707.] ON the last day of the session, the High Commissioner went to the Parliament House, and returned from it in great state. A troop of the Life-guards attended him, and the Nobility and Gentry in their coaches, according to the ancient usage of the kingdom. A few days after, he set out for London, and arrived there on the 16th of April. As he approached within a few miles of the city, he was met by many Noblemen and Gentlemen in their coaches, and by near four hundred persons on horseback, who gave his entry into the metropolis an appearance of great splendour. The next day he waited upon the Queen, and was honoured with a very gracious reception.*

AFTER tracing the progress of the treaty of Union through the Parliament of Scotland, and bringing

* Tindal, vol. 22. p. 135.

ing it to a conclusion there, it will now be proper to take a view of the manner in which it was received by the Parliament of England, where a Whiggish influence still retaining the ascendancy, gave it a large and an immediate support. The English Parliament met on the 3d of December 1706, as the exigencies of the State, at this important period, did not admit of any longer delay. The House of Commons unanimously granted large supplies for carrying on a war, which was no less brilliant with triumph and success, than necessary for repressing the extravagant ambition of the House of Bourbon, and for reducing, within proper limits, its dominion and power. Six millions were voted for the service of the ensuing year; * and for raising these, an aid was granted of four shillings in the pound upon all lands, and the duties on malt were continued.

It was the intention of her Majesty not to bring the business of the Union under the deliberation of the English Parliament, until it should be discussed and concluded in the Parliament of Scotland; but on 10th January, the Earl of Nottingham informed the House of Peers, that he had a matter of the utmost importance to submit to their consideration, and desired that a day might be appointed for deliberating upon it. The day was accordingly appointed, and the members were ordered to attend. When the day arrived, he moved, that an address should be

* Smollet's Hist. Chap. ix. Tindal, vol. 22. p. 138.

be presented to the Queen, humbly requesting, that the proceedings, both of the Commissioners for the treaty of Union, and of the Scottish Parliament relating to it, should be laid before them. And as the Parliament of Scotland had adopted measures for the future security of the Presbyterian Church government, so it became, he said, the wisdom of the English Parliament, to provide against the dangers which threatened their religious establishment from an Union with the Scots. He was seconded by the Earl of Rochester, and by the Duke of Buckingham, who delivered sentiments of the same import. A reply was made to them by the Earl of Godolphin, who said, that matters were not yet ripe for the discussion of Parliament; but that, as soon as the business should be concluded in Scotland, her Majesty would not fail to embrace the earliest opportunity of bringing it under their consideration. The Lords Wharton, Somers, and Halifax, followed the Earl of Godolphin, and maintained, that it was for the honour of the nation, that the treaty of Union should come first ratified from the Parliament of Scotland; and that, when the business should be concluded there, it would then with propriety fall under their deliberation. The Earl of Nottingham, finding that his motion would be vigorously opposed, thought proper to withdraw it.

SOON as the treaty was returned ratified by the Parliament of Scotland, [Jan. 28.] her Majesty came to the House of Peers, and sent for the Commons. "I can now," said her Majesty to both Houses,

Honfes, " with great fatisfaction inform you, that the treaty of Union has been ratified by act of Parliament in Scotland, with fome additions and alterations. I have directed the treaty, agreed to by the Commiffioners of both kingdoms, and alfo the act of ratification from Scotland, to be laid before you : and I hope it will meet with your concurrence and approbation." " You have," her Majesty added, " now an opportunity before you of putting the laft hand to a happy Union of the two kingdoms; which I hope will be a lafting bleffing to the whole ifland, a great addition to its wealth and power, and a firm fecurity to the Proteftant religion."

THE Lord Conningsby, by her Majesty's command, [Feb. 4.] laid before the Houfe of Commons, the Articles of the Union as they had been drawn up by the Commiffioners; the act of the Scottish Parliament, which ratified them, and a copy of the minute-book of the proceedings of the Commiffioners. The Commons prefented an humble addrefs to her Majesty, in which they thanked her for her goodnefs, in communicating to them the articles of the Union, and the act of the Scottish Parliament, by which they were ratified. Mr Charles Cæfar, who opened the debate upon the bufinefs of the Union, ftated fome objections to it. He was followed by Sir John Packington, in a fpeech which was highly admired and extolled by his party. " The bufinefs of the Union, which was now before them," he faid, " was of the higheft importance, and required

quired the most deliberate consideration. With relation to it, people without doors, had been for a long time tongue-tied, by a special order of the Council, which, not reaching within these walls, he would freely impart his thoughts about it. For his own part, he was absolutely against this incorporating Union, which was like marrying a woman against her consent; an Union which was carried on by corruption and bribery within doors, and by force and violence without. He was told, he said, that, in Scotland, they said the Union was carried on by bribery and force; and he added, that the promoters of it, in thus basely giving up their independent constitution, had actually betrayed the trust reposed in them; and, therefore, he would leave it to the judgment of the House, whether or not men of such principles were fit to be admitted to sit among them. Among the many inconveniences, and irreconcilable contradictions to which this Union was liable, he would take notice of this material one, that her Majesty, by the Coronation oath, was obliged to maintain the Church of England, as by law established, and bound likewise, by the same oath, to defend the Presbyterian Kirk of Scotland, in one and the same kingdom. Now, after the Union is in force, who shall administer this oath to her Majesty? It is not the business of the Scots, who are incapable of it; and no well-wishers to the Church of England. It is then only the part of the Bishops to do it. And can it be supposed, those reverend gentlemen will, or can, act a part so contrary to their own order

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and institution, as thus to promote the establishment of the Presbyterian Church government in the united kingdom. The Church of England, he further observed, being established *jure divino*, and the Scots pretending that their Kirk was also *jure divino*, he could not tell how nations, that clashed in so essential a point, could unite." * A reply was made to this celebrated speech, by Colonel Henry Mordaunt, who said, he knew of no other *jure divino* than God Almighty's permission, and in this sense it might be said, that the Church of England and the Kirk of Scotland were both *jure divino*; because God Almighty had permitted that the first should prevail in England, and the other in Scotland. As the first article implied a peremptory agreement to an incorporating Union, it was moved by some members, to postpone the consideration of it, until the terms of the treaty, as they were comprehended in the other articles, should be known. This motion was rejected by a great majority, and some of the Tory members hence conjecturing, how favourable to the treaty the temper of the House was, immediately withdrew from it. The first, second, third, and fourth articles, were read and approved; and, on a future day, [Feb. 8.] the consideration of the remaining articles of the treaty was resumed in a Committee of the whole House, and its consent given to them. The Tories were offended at the precipitation with which the treaty was hurried through the forms of the

* Tindal's Continuation, vol. 22. p. 148.

the House, * and said, that the Commons went post-haste in a business which demanded the most mature deliberation. Sir Thomas Littleton, taking up the allusion and pursuing it, observed, "that they did not ride post-haste, but at an easy trot; and, for his own part, as long as the weather was fair, the roads good, and the horses in heart, he was of opinion they ought to jog on, and not take up till they got home."

IN discussing the merits of the treaty, more solemnity was employed in the House of Peers than had been used in the House of Commons. It was opposed by the Earls of Rochester, Anglesey, and Nottingham, the Lord Haversham, and the Bishop of Bath and Wells: the Earls of Godolphin, Sunderland, and Wharton, the Lords Townshend, Hallifax, and Somers, the Bishops of Oxford, Norwich, and Sarum, supported it with zeal, and with ability. As it was a matter of consequence, early to meet the clamours of the High Church party about their religious establishment, and to quiet their minds, a bill was brought in by the Archbishop of Canterbury, for securing the Church of England, as by law established. This bill, like the act ratifying for ever the Presbyterian Church government in Scotland, was to make an essential and fundamental article in the treaty. The Scottish act, as it preceded the English bill, so it constituted its model; the wisdom of the House

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* Smollet's Hist. chap. ix.

of Peers failing to find words and expressions that were stronger or more pointed than those which the Scots had employed. * The bill passed easily through both Houses, and received the Royal assent. And thus the ecclesiastical establishments of both countries stand upon the same foundation, and are secured by the same authority; so that the hand of violence and of deformity which shall be laid upon the one, will threaten the like assault upon the order and stability of the other.

[Feb. 15. 1707.] WHEN the House proceeded to weigh the various articles of the treaty, some of their Lordships proposed to postpone their deliberations upon the first article, until they should have examined the nature and importance of the whole. This motion being refused, the Earl of Nottingham objected to the name of Great Britain, which was henceforth, in an united state, to form the appellation of the Island; and alledged, that it constituted such an innovation in the monarchy, as subverted totally all the laws of England; and he moved, that the opinion of the Judges might be taken upon this matter. Other Members of the House entertaining the same apprehension which his Lordship did, the Judges were consulted, and unanimously declared, that the treaty in no degree altered or impaired the constitution of the realm of England, the laws of which would remain, after the Union, entirely the same as they had been before it.

* Defoe's Hist. of the Union, p. 201.

Tindal's Continuation, vol. 22. p. 152.

it, unless in any case where they should be found to be inconsistent with it, or contrary to it. Lord Haverham, in an elaborate speech, enumerated the mischiefs which were to be apprehended from an Union of the two kingdoms. * “ The question before them, he said, was, Whether two nations, independent in their sovereignties, that had distinct laws and interests, and different forms of worship, Church government, and order, should be united in one kingdom? An Union made up of so many mismatched pieces, of such jarring, incongruous ingredients, should it ever take effect, he feared, would carry the necessary consequence of a standing power and force to keep it from falling asunder, and breaking in pieces every moment. He quoted the words of my Lord Bacon, who compared an Union, that is pieced up by a direct admission of contraries in the fundamental points of it, to the toes of Nebuchadnezzar’s image, which were made of iron and clay; they might cleave together, but could never incorporate. The exempting articles, by which heritable offices and superiorities were reserved, both of which Oliver Cromwell had, by an act of state, abolished, and especially the act for securing the Presbyterian Church government, and General Assemblies, he said, resembled those little clouds in a warm, calm, summer day, which are generally the seeds and attractives of the approaching tempest and thunder. I the rather take notice, he added, of these, because, though the articles

* Life of Queen Anne. Tindal’s Continuation, vol. 22. p. 152.

cles of Union are ratified by the Scottish Parliament, yet the bulk and body of the nation seem to be against them. Have not the murmurs of the people been so loud, as to fill the whole nation! and so bold too as to reach even to the doors of the Parliament? Has not the Parliament itself thought fit to suspend their beloved clause, in their act of Security, for arming the people during the session? Nay, has not the Government, by advice of the Parliament, set out a proclamation, pardoning all slaughter, bloodshed, and maiming, that is committed upon any who are found in any tumults there, and discharging all prosecution for the future. In short, my Lords, I think an incorporating Union one of the most dangerous experiments to both nations, in which, if we happen to be mistaken, however we may think of curing things afterwards, the error is irretrievable."

THE Lord North and Grey objected to the small and unequal proportion of the land-tax which was to be paid by Scotland, which he asserted was not more than one half of what was drawn from Wales, a country which was equally remarkable for its poverty as Scotland was. My Lord Hallifax, in answer to him, observed, that they could not expect to have the advantage in every article; and, that if the Scots had the better of them in a few, they were infinitely recompensed, by the many advantages which accrued to them from the whole. The Earl of Nottingham stated objections to the Equivalent which was allowed to the Scots, and to the application

application of it. It was highly unreasonable, he said, that the Scots, who were let into all the branches of the English trade, and who paid so little towards the support of government, and of a bloody and expensive war, should have also an Equivalent of L. 398,089 given them, for acceding to the treaty. That part of the Equivalent which was to be given to the Darien Company, he observed, was so arranged, that it might become the property of a few persons, without any regard being paid to the indemnification of every private sufferer in that unhappy enterprize. The Earl of Hallifax replied, that the Equivalent could not be considered as a gift, but as an actual purchase of the Scottish revenue and customs, which, by the treaty, were to be applied to the discharge of the debts of England. The Earl of Rochester considered the 22d article as incongruous and inconsistent, as, by it, sixteen Peers were to be returned to the House of Lords in the British Parliament, who were Peers and no Peers. Being Peers by right of inheritance, they were here made elective, and thereby divested of their Peerage; for, not being certain of being elected to every Parliament of Great Britain, they might consequently lose the benefit of sitting in Parliament, which had always been deemed an inseparable right of the Peerage. The Lords Nottingham, North and Grey, and Guernsey, insisted upon the same subject, and expressed their apprehensions of danger to the Church of England, from the influence of the Scottish Peers, who might well be supposed to be favourable to their own ecclesiastical

cal establishment. The Bishop of Bath and Wells declared his aversion from this Union, though he wished that it had been completed an hundred years ago; for, in that case, all the ferment and discords, which were now likely to ensue upon it, would have had their course. He compared the Union to the mixing together of strong liquors, of a contrary nature, in the same vessel, which would go nigh to the bursting of it asunder, by their furious fermentation. Their Bench, he said, had always been reckoned the dead weight of the House, but the sixteen Scottish Peers, being admitted to sit in it, would be more effectually so; especially in debates relating to the Church, towards which they could no ways be supposed to be well affected; and, therefore, he was of opinion, that some provision should be made for debarring them of their votes in any Church matter, that should hereafter come in agitation. *

To these arguments which were offered against an Union of the two kingdoms, the promoters of it replied, that the Church had the chief dangers to apprehend from the ambition of France, and the errors of Popery; and, that the measures which tended the most effectually to secure the nation from these, formed at the same time the best defence of their ecclesiastical constitution. Scotland was situated on the most defenceless side of England, where a powerful army alone could protect

* Tindal's Continuation, vol. 22. p. 162.

protect it from the inroads of the enemy. The collieries on the Tyne were exposed for a considerable extent of coast, and would require, for their defence, a large and an expensive armament, should war arise between the sister kingdoms and the Scots be subjected by the fate of arms, still their subjection must be completed by an Union, or by a standing force, which, under the management of an enterprising Prince, would endanger the liberty of the whole Empire. An Union, arising from the force of arms, and maintained by the same, as it would be involuntary, could not be permanent. In the present treaty, nothing had been concluded by constraint; every stipulation was the fruit of mutual consent, and promised advantages that would endure to future times.* In Church matters, no party or sect could, on just grounds, bring an accusation against another, for all of them, in the possession of power, had exercised it with the same unrelenting atrocity, and in the same illiberal spirit of revenge. A milder system of procedure, it was to be expected, would soften the temper, and subdue those divisions and animosities which overthrew the peace of society, and which were so unfavourable to the cause of humanity. That political bodies of men who differed from one another in their religious tenets, could subsist together in harmony, was evident from the history of the Cantons of Switzerland, and the German Diet. In the present case, the probability was

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* Tindal, vol. 22. p. 163. Smollet, chap. ix.

greater, that five hundred and thirteen members would over-match forty-five, than that the latter should assume an influence over the former ; and, in the House of Peers, twenty-six Bishops would always over-balance the sixteen Peers from Scotland ; some of whom might even be the friends of the English Church. When the last article was read, the Earl of Nottingham, who had stated objections to almost every article of the treaty, rose up, and craved the pardon of the House for having intruded so often upon their patience. The objections which he had urged, appeared to him to be so material, he said, that he could not, in conscience, refrain from bringing them forward. As Sir John Maynard made this compliment to the late King at the Revolution ; “ that having buried, upon account of his great age, all his contemporaries in Westminster-hall, he was afraid, if his Majesty had not come in that very juncture of time, he might have likewise outlived the very laws themselves ;” so if this Union did pass, as he had no reason to doubt but it would, he might, with as much reason, and as justly affirm, he had outlived all the laws, and the very constitution of England. He, therefore, prayed God to avert the dire effects which might probably ensue from such an incorporating Union.* The articles of the Union employed the attention of the House for some days ; the Bishop of Sarum was Chairman of the Committee in which they were debated ; and such was

* Tindal, vol. 22. p. 164. Smollet's Hist. chap. ix.

the anxiety which she felt for the success of the treaty, that the Queen herself was present. A great majority of the House gave their approbation to all the articles of the Union; those who had opposed the treaty in its progress through the Committee, now protested, and entered their dissent. *

THE articles of the Union, as they were amended by the Scottish Parliament, having passed through both Houses, a bill was immediately drawn up for the ratification of them. This task was assigned to Sir Simon Harcourt the Solicitor General, who performed it with a dexterity which precluded all future debate. This was no less acceptable to the Court, than it was confounding to those who were willing to have renewed their opposition, and to have brought forward new difficulties for preventing the conclusion of the treaty. The bill recited the different articles as they had passed in the Scottish Parliament, and the acts which secured the religious establishments of both kingdoms, and then concluded with an enacting clause, which ratified the whole. To the recital of a matter of fact,

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* The Tory Lords, who now and afterwards dissented from the vote of the House approving of the treaty, were Grenville, Haversham, Stawell, Beaufort, Abingdon, North and Grey, Rochester, Howard, Leigh, Guilford, Buckingham, Nottingham, Guernsey, Anglesey, Winchelsea, Scarfdale, Thanet, Weymouth, and George Bath and Wells. Some of them protested against the whole treaty, others only against particular articles of it. Tindal, vol. 22. p. 165.

no plausible objection could be formed ; and, amidst that general favour which was carried towards an Union, it was not easy for the members in opposition to resist the enacting clause. In the House of Commons, the treaty was ratified by a majority of 274 to 160 ; and, in the House of Peers, by a majority of 55 to 29. In his zeal for the English Church, the Lord North and Grey brought forward a clause, which he proposed should be added to the act of ratification, and which imported, that nothing contained in it should be construed into an approbation or acknowledgment of the truth of the Presbyterian way of worship, or as allowing the religion of the Church of Scotland to be what it was styled, the true Protestant religion. Their Lordships easily perceived, that a clause of this bigotted nature could be productive only of evil consequences, and hence they rejected it by a great majority. Against this decision also of the House several Peers protested. *

[March 6. 1707.] NOTHING now remained to be done for the completion of this very important treaty, which former ages had desired, and which every true friend of British liberty forwarded with ardour, but the giving of the Royal assent to it. Accordingly, her Majesty came to the House of Peers,

* The Convocation, which met about this time, to deliberate on the affairs of the English Church, intended to have petitioned the House of Commons against the Union, so apprehensive were they of danger from it to their establishment ; but were prevented by a prorogation. Smollet, chap. ix.

Peers, and in a speech, which expressed her entire satisfaction with the Union, gave her assent to the bill that ratified it. "It is," said her Majesty, "with the greatest satisfaction, that I have given my assent to a bill for uniting England and Scotland into one kingdom. I consider this Union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and, at the same time, as a work of so much difficulty and nicety in its own nature, that, till now, all attempts which have been made towards it, in the course of above an hundred years, have proved ineffectual; and, therefore, I make no doubt, but it will be remembered, and spoken of hereafter, to the honour of those who have been instrumental in bringing it to such a happy conclusion. I desire, and expect from all my subjects in both nations, that, from henceforth, they act with all possible respect and kindness to one another, that so it may appear to all the world, they have hearts disposed to become one people."

ARTICLES

ARTICLES OF THE UNION

BETWIXT THE
KINGDOMS OF
SCOTLAND and ENGLAND.

ARTICLE I.

THAT the Two Kingdoms of Scotland and England shall, upon the First day of May next ensuing the date hereof, and for ever after, be United into one Kingdom, by the Name of GREAT BRITAIN, and that the Ensigns Armorial of the said United Kingdom be such as her Majesty shall Appoint, and the Crosses of St Andrew and St George be conjoined in such Manner as her Majesty shall think fit, and used in all Flags, Banners, Standards and Ensigns, both at Sea and Land.

II. THAT the Succession to the Monarchy of the United Kingdom of Great Britain, and of the Dominions thereunto belonging, after her most Sacred Majesty, and in default of Issue of her Majesty, be,
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remain and continue to the most Excellent Princess Sophia Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants, upon whom the Crown of England is settled by an Act of Parliament made in England, in the Twelfth Year of the Reign of his late Majesty King William the Third, entituled, *An act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*. And that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the Imperial Crown of Great Britain, and the Dominions thereunto belonging, or any Part thereof; and in every such Case, the Crown and Government shall, from time to time, descend to, and be enjoyed by such person, being a Protestant, as should have inherited and enjoyed the same, in case such Papists, or person marrying a Papist, was naturally dead, according to the provision for the descent of the Crown of England, made by another Act of Parliament in England, in the First year of the Reign of their late Majesties King William and Queen Mary, entituled, *An act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*.

III. THAT the United Kingdom of Great Britain be represented by one and the same Parliament, to be stiled, THE PARLIAMENT OF GREAT BRITAIN.

IV.

IV. THAT all the Subjects of the United Kingdom of Great Britain shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation to and from any Port or Place within the said United Kingdom, and the Dominions and Plantations thereunto belonging ; and that there be a Communication of all other Rights, Privileges and Advantages, which do or may belong to the Subjects of either Kingdom, except where it is otherwise expressly agreed in these Articles.

V. THAT all Ships or Vessels belonging to her Majesty's Subjects of Scotland, at the Time of Ratifying this Treaty of Union of the Two Kingdoms in the Parliament of Scotland, though Foreign built, be deemed and pass as Ships of the Build of Great Britain: The Owner, or where there are more Owners, one or more of the Owners, within Twelve Months after the First of May next, making Oath, That, at the Time of Ratifying the Treaty of Union in the Parliament of Scotland, the same did, in Haill, or in Part, belong to him or them, or to some other Subject or Subjects of Scotland, to be particularly named, with the Place of their respective Abodes, and that the same doth then, at the Time of the said Deposition, wholly belong to him or them, and that no Foreigner, directly or indirectly, hath any Share, Part or Interest therein ; Which Oath shall be made before the chief Officer or Officers of the Customs, in the Port next to the Abode of the said Owner or Owners ; And the said Officer or
Officers,

Officers, shall be empowered to Administer the said Oath. And the Oath being so Administred, shall be attested by the Officer, or Officers, who Administred the same, and being Registred by the said Officer or Officers, shall be delivered to the Master of the Ship for Security of her Navigation, and a Duplicate thereof shall be transmitted by the said Officer, or Officers, to the chief Officer, or Officers, of the Customs in the Port of Edinburgh, to be there entered in a Register, and from thence to be sent to the Port of London, to be there entered in the General Register of all Trading Ships belonging to Great Britain.

VI. THAT all Parts of the United Kingdom, for ever, from and after the Union, shall have the same Allowances, Encouragements and Draw-backs, and be under the same Prohibitions, Restrictions and Regulations of Trade, and liable to the same Customs and Duties on Import and Export; And that the Allowances, Encouragements and Draw-backs, Prohibitions, Restrictions and Regulations of Trade, and the Customs and Duties on Import and Export settled in England when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdom, Excepting and Reserving the Duties upon Export and Import of such particular Commodities, from which any Persons, the Subjects of either Kingdom, are specially liberated and exempted by their private Rights, which, after the Union, are to remain safe

and entire to them, in all Respects as before the same; And that, from and after the Union, no Scots Cattle carried into England, shall be liable to any other Duties, either on the Public or Private Accounts, than these Duties to which the Cattle of England are, or shall be liable within the said Kingdom. And seeing, by the Laws of England, there are Rewards granted upon the Exportation of certain Kinds of Grain, wherein Oats grinded or ungrinded are not expressed, That, from and after the Union, when Oats shall be sold at Fifteen Shillings Sterling *per* Quarter, or under, there shall be paid Two Shillings and Sixpence Sterling, for every Quarter of the Oat-meal Exported in the Terms of the Law, whereby, and so long as Rewards are granted for Exportation of other Grains, and that the Bear of Scotland have the same Rewards as Barley. And in respect the Importation of Victual into Scotland, from any Place beyond Sea, would prove a Discouragement to Tillage, Therefore, That the Prohibition, as now in Force by the Law of Scotland, against Importation of Victual from Ireland, or any other Place beyond Sea into Scotland, do, after the Union, remain in the same Force as now it is, until more proper and effectual Ways be provided by the Parliament of Great Britain, for discouraging the Importation of the said Victual from beyond Sea.

VII. THAT all Parts of the United Kingdom be, for ever, from and after the Union, liable to the same

same Excises upon all Exciseable Liquors, excepting only, That the Thirty-four Gallons English Barrel of Beer or Ale, amounting to Twelve Gallons Scots present Measure, sold in Scotland by the Brewer at Nine Shillings Sixpence Sterling, excluding all Duties, and Retailed, including Duties and the Retailers Profit, at Two Pence the Scots Pint, or Eight Part of the Scots Gallon, be not, after the Union, liable on Account of the present Excise upon Exciseable Liquors in England, to any higher Imposition, than Two Shillings Sterling upon the foresaid Thirty-four Gallons English Barrel, being Twelve Gallons the present Scots Measure; And that the Excise settled in England on all other Liquors, when the Union commences, take place throughout the whole United Kingdom.

VIII. THAT, from and after the Union, all Foreign Salt, which shall be imported into Scotland, shall be charged, at the Importation there, with the same Duties as the like Salt is now charged with, being imported into England, and to be levied and secured in the same Manner. But in regard the Duties of great Quantities of Foreign Salt imported, may be very heavy on the Merchants Importers, That therefore all Foreign Salt imported into Scotland, shall be Cellared and locked up under the Custody of the Merchant Importer, and the Officers employed for levying the Duties upon Salt; And that the Merchant may have what Quantities thereof his Occasion may require, not under a Weigh or Forty Bushels at a Time, giving Security

for the Duty of what Quantity he receives, payable in Six Months. But Scotland shall, for the Space of Seven Years from the said Union, be exempted from paying in Scotland for Salt made there, the Duty or Excise now payable for Salt made in England: But, from the Expiration of the said Seven Years, shall be subject and liable to the same Duties for Salt made in Scotland, as shall be then payable for Salt made in England, to be levied and secured in the same Manner, and with proportional Draw-backs and Allowances as in England; With this Exception, That Scotland shall, after the said Seven Years, remain exempted from the Duty of Two Shillings and Four Pence a Bushel on Home Salt, imposed by an Act made in England, in the Ninth and Tenth of King William the Third of England. And if the Parliament of Great Britain shall, at or before the Expiring of the said Seven Years, substitute any other Fund, in place of the said Two Shillings and Four Pence of Excise on the Bushel of Home Salt, Scotland shall, after the said Seven Years, bear a Proportion of the said Fund, and have an Equivalent in the Terms of this Treaty: And that, during the said Seven Years, there shall be paid in England, for all Salt made in Scotland, and imported from thence into England, the same Duties upon the Importation, as shall be payable for Salt made in England, to be levied and secured in the same Manner, as the Duties on Foreign Salt are to be levied and secured in England. And that, after the said Seven Years, how long the said Duty of Two Shillings Four Pence a Bushel upon

upon Salt is continued in England, the said Two Shillings Four Pence a Bushel shall be payable for all Salt made in Scotland and imported into England, to be levied and secured in the same Manner; And that during the Continuance of the Duty of Two Shillings Four Pence a Bushel upon Salt made in England, no Salt whatsoever be brought from Scotland to England by Land in any Manner, under the Penalty of Forfeiting the Salt, and the Cattle and Carriages made use of in bringing the same, and paying Twenty Shillings for every Bushel of such Salt, and proportionally for a greater or lesser Quantity; For which the Carrier, as well as the Owner, shall be liable jointly and severally, and the Persons bringing or carrying the same, to be imprisoned by any one Justice of the Peace, by the Space of Six Months without Bail, and until the Penalty be paid. And for Establishing an Equality in Trade, That all Fleshes Exported from Scotland to England, and put on Board in Scotland, to be exported to Parts beyond the Seas, and Provisions for Ships in Scotland, and for Foreign Voyages, may be salted with Scots Salt, paying the same Duty for what Salt is so employed, as the like Quantity of such Salt pays in England, and under the same Penalties, Forfeitures and Provisions, for preventing of Frauds, as are mentioned in the Laws of England. And that, from and after the Union, the Laws and Acts of Parliament in Scotland, for pyning, curing, and packing of Herrings, White Fish and Salmon, for Exportation with Foreign Salt only, without any Mixture of
British

British or Irish Salt, and for preventing of Frauds in curing and packing of Fish, be continued in Force in Scotland, subject to such Alterations as shall be made by the Parliament of Great Britain: And that all Fish Exported from Scotland to Parts beyond the Seas, which shall be cured with Foreign Salt only, and without Mixture of British or Irish Salt, shall have the same Eases, Premiums, and Draw-backs, as are or shall be allowed to such Persons as export the like Fish from England. And that, for Encouragement of the Herring Fishing, there shall be allowed and paid to the Subjects Inhabitants of Great Britain, during the present Allowances for other Fishes, Ten Shillings Five Pence Sterling, for every Barrel of White Herrings which shall be exported from Scotland; And that there shall be allowed Five Shillings Sterling for every Barrel of Beef or Pork, salted with Foreign Salt, without Mixture of British or Irish Salt, and Exported for Sale from Scotland to Parts beyond Sea, alterable by the Parliament of Great Britain. And if any Matters or Fraud, relating to the said Duties on Salt, shall hereafter appear, which are not sufficiently provided against by this Article, the same shall be subject to such further Provisions as shall be thought fit by the Parliament of Great Britain.

IX. THAT, whenever the Sum of One Million nine hundred ninety-seven thousand seven hundred and sixty-three Pounds, Eight Shillings and Four Pence Half Penny, shall be Enacted by the
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Parliament of Great Britain, to be raised in the Part of the United Kingdom now called England, on Land, and other Things usually charged in Acts of Parliament there, for granting an Aid to the Crown by a Land Tax, that Part of the United Kingdom now called Scotland, shall be charged by the same Act, with a further Sum of Forty-eight Thousand Pounds, free of all charges, as the Quota of Scotland to such Tax, and so proportionally for any greater or lesser Sum Raised in England by any Tax on Land, and other Things usually Charged, together with the Land; And that such Quota for Scotland, in the Cases aforesaid, be Raised and Collected in the same Manner, as the Cefs now is in Scotland, but subject to such Regulations in the Manner of Collecting as shall be made by the Parliament of Great Britain.

X. THAT, during the Continuance of the respective Duties on Stamp Paper, Vellum and Parchment by the several Acts now in Force in England, Scotland shall not be charged with the same respective Duties.

XI. THAT, during the Continuance of the Duties payable in England on Windows and Lights, which determines on the First day of August, One thousand seven hundred and ten, Scotland shall not be charged with the same Duties.

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XII. THAT, during the Continuance of the Duties payable in England on Coals, Culm and Cinders, which determines the Thirtieth Day of September, One thousand seven hundred and ten, Scotland shall not be charged therewith, for Coals, Culm and Cinders consumed there, but shall be charged with the same Duties, as in England, for all Coal, Culm and Cinders not consumed in Scotland.

XIII. THAT, during the Continuance of the Duty payable in England on Malt, which determines the Twenty-fourth day of June, One thousand seven hundred and seven, Scotland shall not be charged with that Duty.

XIV. THAT the Kingdom of Scotland be not charged with any other Duties laid on by the Parliament of England before the Union, except those consented to in this Treaty, in regard it is agreed, That all necessary Provision shall be made by the Parliament of Scotland for the public Charge and Service of that Kingdom, for the Year One thousand seven hundred and seven; Provided nevertheless, That if the Parliament of England shall think fit to lay any further Impositions by way of Customs, or such Excises, with which, by Virtue of this Treaty, Scotland is to be charged equally with England; In such Case, Scotland shall be liable to the same Customs, and Excises, and have an Equivalent to be settled by the Parliament of Great Britain; With this further provision, That any
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Malt to be made and consumed in that Part of the United Kingdom now called Scotland, shall not be charged with any Imposition upon Malt during this present War: And seeing it cannot be supposed, that the Parliament of Great Britain will ever lay any sorts of Burdens upon the United Kingdom, but what they shall find of Necessity at that Time for the Preservation and Good of the Whole, and with due Regard to the Circumstances and Abilities of every Part of the United Kingdom; Therefore it is agreed, That there be no further Exemption insisted upon for any Part of the United Kingdom, but that the Consideration of any Exemptions beyond what are already agreed on in this Treaty, shall be left to the Determination of the Parliament of Great Britain.

XV. WHEREAS, by the Terms of this Treaty, the Subjects of Scotland, for preserving an Equality of Trade throughout the United Kingdom, will be liable to several Customs and Excises now payable in England, which will be applicable towards payment of the Debts of England, contracted before the Union; it is agreed, That Scotland shall have an Equivalent for what the Subjects thereof shall be so charged towards payment of the said Debts of England in all Particulars whatsoever, in manner following, *viz.* That before the Union of the said Kingdoms, the Sum of Three hundred ninety-eight thousand and eighty-five Pounds, Ten Shillings, be granted to her Majesty by the Parliament of England, for the Uses after mentioned,

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being the Equivalent to be answered to Scotland, for such Parts of the said Customs and Excises upon all Exciseable Liquors, with which that Kingdom is to be charged upon the Union, as will be applicable to the Payment of the said Debts of England, according to the Proportions which the present Customs in Scotland, being Thirty thousand Pounds *per annum*, do bear to the Customs in England, computed at One million three hundred forty-one thousand five hundred and fifty-nine Pounds *per annum*, and which the present Excises on Exciseable Liquors in Scotland, being Thirty-three thousand and five hundred Pounds *per annum*, do bear to the Excises on Exciseable Liquors in England, computed at Nine hundred forty-seven thousand six hundred and two Pounds *per annum*; Which Sum of Three hundred ninety-eight thousand eighty-five Pounds, Ten Shillings, shall be due and payable from the Time of the Union. And in regard, that after the Union, Scotland becoming liable to the same Customs and Duties payable on Import and Export, and to the same Excises on all Exciseable Liquors as in England, as well upon that Account, as upon the Account of the Encrease of Trade and People, (which will be the happy Consequence of the Union) the said Revenues will much improve beyond the before mentioned Annual Values thereof, of which no present Estimate can be made; Yet nevertheless, for the Reasons aforesaid, there ought to be a proportionable Equivalent answered to Scotland, it is agreed, that after the Union, there shall be an Account kept of the

the said Duties arising in Scotland, to the End it may appear what ought to be answered to Scotland, as an Equivalent for such Proportion of the said Encrease, as shall be applicable to the payment of the Debts of England. And for the further and more effectual answering the several Ends hereafter mentioned, it is agreed, That from and after the Union, the whole Encrease of the Revenues of Customs and Duties on Import and Export, and Excise upon Exciseable Liquors in Scotland, over and above the Annual Produce of the said respective Duties as above stated, shall go and be applied for the Term of Seven Years, to the Uses hereafter mentioned. And that upon the said Account, there shall be answered to Scotland annually from the End of Seven Years after the Union, an Equivalent, in Proportion to such Part of the said Encrease as shall be applicable to the Debts of England: And generally, That an Equivalent shall be answered to Scotland, for such Parts of the English Debts as Scotland may hereafter become liable to pay by reason of the Union, other than such, for which Appropriations have been made by the Parliament in England, of the Customs or other Duties on Export and Import, Excises on all Exciseable Liquors, in respect of which Debts Equivalents are herein before provided. And as for the Uses to which the said Sum of Three hundred ninety-eight thousand eighty-five Pounds, Ten Shillings, to be granted as aforesaid, and all other Monies which are to be answered or allowed to Scotland as said is, are to be applied;

it is agreed, That, in the first Place, out of the foresaid Sum, what Consideration shall be found necessary to be had for any Losses which private persons may sustain by reducing the Coin of Scotland, to the Standart and Value of the Coin of England may be made good. In the next Place, That the Capital Stock or Fund of the African and Indian Company of Scotland advanced, together with the Interest for the said Capital Stock, after the Rate of Five *per cent. per annum*, from the respective Times of the Payment thereof, shall be paid; upon payment of which Capital Stock and Interest, it is agreed the said Company be dissolved and cease; And also, That from the Time of passing the Act of Parliament in England, for raising the said Sum of Three hundred ninety-eight thousand eighty-five Pounds, Ten Shillings, the said Company shall neither Trade nor grant Licence to Trade; Providing, That if the said Stock and Interest shall not be paid in Twelve Months after the Commencement of the Union, That then the said Company may from thence forward Trade or give Licence to Trade, until the said said Capital Stock and Interest shall be paid. And as to the Overplus of the said Sum of Three hundred ninety-eight thousand eighty-five Pounds, Ten Shillings, after payment of what Considerations shall be had for Losses in repairing the Coin, and paying the said Capital Stock and Interest; And also, the said Encrease of the said Revenues of Customs, Duties and Excises above the present Value which shall arise in Scotland during the said Term of

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Seven Years, together with the Equivalent which shall become due upon the Improvement thereof in Scotland after the said Term. And also, As to all other Sums, which according to the Agreements aforesaid, may become payable to Scotland by way of Equivalent, for what that Kingdom shall hereafter become liable towards payment of the Debt of England, it is agreed, That the same be applied in manner following, *viz.* That all the Public Debts of the Kingdom of Scotland, as shall be adjusted by this present Parliament, shall be paid; and that Two thousand Pounds *per annum*, for the space of Seven Years, shall be applied towards encouraging and promoting the Manufacture of coarse Wool, within these Shires which produce the Wool, and that the first Two thousand Pound Sterling be paid at Martinmas next, and so Yearly at Martinmas, during the Space aforesaid; and afterwards, the same shall be wholly applied towards the encouraging and promoting the Fisheries, and such other Manufactures and Improvements in Scotland, as may most conduce to the general Good of the United Kingdom. And it is agreed, That her Majesty be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain, for disposing the said Sum of Three hundred ninety-eight thousand eighty-five Pounds, Ten Shillings, and all other Monies which shall arise to Scotland upon the Agreements aforesaid, to the Purposes before mentioned: Which Commissioners shall be empowered to call for, receive and dispose of the said Monies in manner aforesaid,

aforesaid, and to inspect the Books of the several Collectors of the said Revenues, and of all other Duties from whence an Equivalent may arise; and that the Collectors and Managers of the said Revenues and Duties be obliged to give to the said Commissioners subscribed authentic Abbreviates of the Produce of such Revenues and Duties arising in their respective Districts; and that the said Commissioners shall have their Office within the Limits of Scotland, and shall in such Office keep Books containing Accounts of the Amount of the Equivalents, and how the same shall have been disposed of, from Time to Time, which may be inspected by any of the Subjects who shall desire the same.

XVI. THAT, from and after the Union, the Coin shall be of the same Standart and Value throughout the United Kingdom, as now in England; and a Mint shall be continued in Scotland, under the same Rules as the Mint in England, and the present Officers of the Mint continued, subject to such Regulations and Alterations as her Majesty, her Heirs or Successors, or the Parliament of Great Britain shall think fit.

XVII. THAT, from and after the Union, the same Weights and Measures shall be used throughout the United Kingdom, as are now established in England, and Standarts of Weights and Measures shall be kept by those Burroughs in Scotland to whom the keeping the Standarts of Weights and Measures now in use there does of special Right belong:

long: All which Standarts shall be sent down to such respective Burroughs from the Standarts kept in the Exchequer at Westminster, subject, nevertheless, to such Regulations as the Parliament of Great Britain shall think fit.

XVIII. THAT the Laws concerning Regulations of Trade, Customs, and such Excises, to which Scotland is, by virtue of this Treaty, to be liable, be the same in Scotland from and after the Union as in England; And that all other Laws, in use within the Kingdom of Scotland, do, after the Union, and notwithstanding thereof, remain in the same Force as before, (except such as are contrary to or inconsistent with this Treaty) but alterable by the Parliament of Great Britain; with this Difference betwixt the Laws concerning public Right, Policy and Civil Government, and those which concern private Right, that the Laws which concern public Right and Civil Government, may be made the same throughout the whole United Kingdom, but that no Alteration may be made in Laws which concern private Right, except for evident Utility of the Subjects within Scotland.

XIX. THAT the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain in all Time coming within Scotland, as it is now constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union; subject, nevertheless, to such Regulations for the better Administration of Justice,

ftice, as fhall be made by the Parliament of Great Britain; And that hereafter, none fhall be named by her Majefty, or Her Royal Succelfors, to be Ordinary Lords of Seffion, but fuch who have ferved in the College of Juftice, as Advocates or Principal Clerks of Seffion, for the fpace of Five Years, or as Writers to the Signet for the fpace of Ten Years, with this Provifion, That no Writer to the Signet be capable to be admitted a Lord of the Seffion, unlefs he undergo a private and public Trial on the Civil Law, before the Faculty of Advocates, and be found by them qualified for the faid Office, Two Years before he be named to be a Lord of the Seffion, yet fo as the Qualifications made, or to be made, for capacitating perfons to be named Ordinary Lords of Seffion, may be altered by the Parliament of Great Britain. And that the Court of Jufticiary do alfo, after the Union, and notwithstanding thereof, Remain in all Time coming within Scotland, as it is now conftituted by the Laws of that Kingdom, and with the fame Authority and Privileges as before the Union; fubject, nevertheless, to fuch Regulations as fhall be made by the Parliament of Great Britain, and without prejudice of other Rights of Jufticiary: And that all Admiralty Jurifdictions be under the Lord High Admiral, or Commiffioners for the Admiralty of Great Britain for the Time being; And that the Court of Admiralty now eftablifhed in Scotland be continued; and that all Reviews, Reductions or Suspensions of the Sentences in Maritime Cafes, competent to the Jurifdiction
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of that Court, remain in the same manner after the Union as now in Scotland, until the Parliament of Great Britain shall make such Regulations and Alterations as shall be judged expedient for the whole United Kingdom ; so as there be always continued in Scotland a Court of Admiralty, such as in England, for Determination of all Maritime Cases, relating to private Rights in Scotland, competent to the Jurisdiction of the Admiralty Court ; subject, nevertheless, to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain. And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors, as Rights of Property ; subject, nevertheless, as to the manner of Exercising such Heritable Rights, to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain : And that all other Courts, now in being within the Kingdom of Scotland, do remain ; but subject to Alterations by the Parliament of Great Britain. And that all inferior Courts within the said Limits, do remain subordinate, as they are now to the Supreme Courts of Justice within the same, in all Time coming ; And that no Causes in Scotland be cognoscible by the Courts of Chancery, Queen's Bench, Common Pleas, or any other Court in Westminster Hall ; and that the said Courts, or any other of the like nature, after the Union, shall have no Power to Cognosce, Review, or Alter the Acts or Sentences of the Judicatures within Scotland,

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land, or stop the Execution of the same; And there be a Court of Exchequer in Scotland after the Union, for deciding Questions concerning the Revenues of Customs and Excises there, having the same Power and Authority in such Cases as the Court of Exchequer has in England; And that the said Court of Exchequer in Scotland, have Power of passing Signatures, Gifts, Tutories, and in other Things as the Court of Exchequer at present in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the Union: And that after the Union, the Queen's Majesty, and Her Royal Successors, may continue a Privy Council in Scotland, for preserving of public Peace and Order, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual Method for that End.

XX. THAT all Heritable Offices, Superiorities, Heritable Jurisdictions, Offices for Life, and Jurisdictions for Life, be reserved to the Owners thereof, as Rights of Property, in the same Manner as they are now enjoyed by the Laws of Scotland, notwithstanding of this Treaty.

XXI. THAT the Rights and Privileges of the Royal Burghs in Scotland as they now are, do remain entire after the Union, and notwithstanding thereof.

XXII.

XXII. THAT by virtue of this Treaty, of the Peers of Scotland at the Time of the Union, Sixteen shall be the Number to sit and vote in the House of Lords, and Forty-five the Number of the Representatives of Scotland, in the House of Commons of the Parliament of Great Britain; And that when her Majesty, Her Heirs or Successors, shall declare Her or their Pleasure, for holding the first or any subsequent Parliament of Great Britain, until the Parliament of Great Britain shall make further Provision therein, a Writ do issue under the Great Seal of the United Kingdom, directed to the Privy Council of Scotland, commanding them to cause Sixteen Peers, who are to sit in the House of Lords, to be summoned to Parliament, and Forty-five Members to be Elected to sit in the House of Commons of the Parliament of Great Britain, according to the Agreement in this Treaty, in such manner as by a subsequent Act of this present Session of the Parliament of Scotland shall be settled: Which Act is hereby declared to be as valid, as if it were a Part of, and engrossed in this Treaty. And that the Names of the Persons so Summoned and Elected, shall be Returned by the Privy Council of Scotland, into the Court from whence the said Writ did issue. And that if Her Majesty, on or before the First Day of May next, on which Day the Union is to take Place, shall Declare, under the Great Seal of England, That it is expedient that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the first Parliament of Great Britain,

Britain, for and on the Part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the respective Houses of the First Parliament of Great Britain, for, and on the Part of England: And Her Majesty may, by her Royal Proclamation under the Great Seal of Great Britain, appoint the said first Parliament of Great Britain, to meet at such Time and Place as Her Majesty shall think fit; Which Time shall not be less than Fifty Days after the Date of such Proclamation. And the Time and Place of the Meeting of such Parliament being so appointed, a Writ shall be immediately issued under the Great Seal of Great Britain, directed to the Privy Council of Scotland, for the Summoning the Sixteen Peers, and for Electing Forty-five Members, by whom Scotland is to be Represented in the Parliament of Great Britain; And the Lords of Parliament of England, and the Sixteen Peers of Scotland, such Sixteen Peers being Summoned and Returned in the Manner agreed in this Treaty; and the Members of the House of Commons of the said Parliament of England, and the Forty-five Members for Scotland, such Forty-five Members being Elected and Returned in the Manner agreed in this Treaty, shall Assemble and Meet respectively in their respective Houses of the Parliament of Great Britain, at such Time and Place as shall be so appointed by her Majesty, and shall be the Two Houses of the First Parliament of Great Britain. And that Parliament may continue for such Time only, as the present Parliament of England might have

have continued, if the Union of the two Kingdoms had not been made, unless sooner Dissolved by Her Majesty. And that every one of the Lords of Parliament of Great Britain, and every Member of the House of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherwise direct, shall take the respective Oaths appointed to be taken, instead of the Oaths of Allegiance and Supremacy, by an Act of Parliament made in England, in the First Year of the Reign of the late King William and Queen Mary, entituled, *An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths*; and make, subscribe, and audibly repeat the Declaration mentioned in an Act of Parliament made in England, in the Thirtieth Year of the Reign of King Charles the Second, entituled, *An Act for the more effectual Preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; and shall take, and subscribe the Oath mentioned in an Act of Parliament, made in England in the First Year of her Majesty's Reign, entituled, *An Act to declare the Alterations in the Oath appointed to be taken, by the Act, entituled, An Act for the further Security of his Majesty's Person and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the Pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined*: At such Time and in such Manner as the Members of both Houses of Parliament of
England

England are by the said respective Acts directed to take, make and subscribe the same, upon the Penalties and Disabilities in the said respective Acts contained. And it is Declared and Agreed, That these Words, *This Realm, the Crown of This Realm, and the Queen of This Realm*, mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to signify the Crown and Realm of England, shall be understood of the Crown and Realm of Great Britain: And that in that sense, the said Oaths and Declaration be taken and subscribed by the Members of both Houses of the Parliament of Great Britain.

XXIII. THAT the foresaid Sixteen Peers of Scotland, mentioned in the last preceding Article, to sit in the House of Lords of the Parliament of Great Britain, shall have all Privileges of Parliament which the Peers of England now have, and which they, or any Peers of Great Britain, shall have after the Union; And particularly, the Right of sitting upon the Trials of Peers: And in case of the Trials of Peers in Time of Adjournment or Prorogation of Parliament, the said Sixteen Peers shall be summoned in the same Manner, and have the same Power and Privileges, at such Trial, as any other Peers of Great Britain. And that in case any Trials of Peers shall hereafter happen, when there is no Parliament in being, the Sixteen Peers of Scotland, who sat in the last preceding Parliament, shall be summoned in the same Manner, and have the same Powers and Privileges at such Trials, as any other Peers of Great Britain.

Britain. And that all Peers of Scotland, and their Successors to their Honours and Dignities, shall, from and after the Union, be Peers of Great Britain, and have Rank and Precedency next, and immediately after the Peers of the like Orders and Degrees in England, at the Time of the Union, and before all Peers of Great Britain of the like Orders and Degrees, who may be created after the Union, and shall be tried as Peers of Great Britain, and shall enjoy all Privileges of Peers, as fully as the Peers of England do now, or as they, or any other Peers of Great Britain may hereafter enjoy the same, except the Right and Privilege of sitting in the House of Lords, and the Privileges depending thereon, and particularly, the Right of sitting upon the Trials of Peers.

XXIV. THAT, from and after the Union, there be one Great Seal for the United Kingdom of Great Britain, which shall be different from the Great Seal now used in either Kingdom; and that the Quartering the Arms, and the Rank and Precedency of the Lyon King of Arms of the Kingdom of Scotland, as may best suit the Union, be left to her Majesty: And that in the mean Time, the Great Seal of England be used as the Great Seal of the United Kingdom, and that the Great Seal of the United Kingdom may be used for sealing Writs to Elect and Summon the Parliament of Great Britain, and for Sealing all Treaties with Foreign Princes and States, and all public Acts, Instruments, and Orders of State, which concern the whole

whole United Kingdom, and in all other Matters relating to England, as the Great Seal of England is now used ; and that a Seal in Scotland, after the Union, be always kept and made use of in all Things relating to private Rights or Grants which have usually passed the Great Seal of Scotland, and which only concern Offices, Grants, Commissions, and private Rights within that Kingdom ; and that until such Seal shall be appointed by Her Majesty, the present Great Seal of Scotland shall be used for such Purposes ; and that the Privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter Seal, and Seals of Courts now used in Scotland be continued ; but that the said Seals be altered and adapted to the State of the Union as Her Majesty shall think fit : And the said Seals, and all of them, and the Keepers of them, shall be subject to such Regulations as the Parliament of Great Britain shall hereafter make. And that the Crown, Sceptre, and Sword of State, the Records of Parliament, and all other Records, Rolls, and Registers whatsoever, both Public and Private, General and Particular, and Warrants thereof, continue to be kept as they are within that Part of the United Kingdom now called Scotland, and that they shall so remain, in all Time coming, notwithstanding of the Union.

XXV. THAT all Laws and Statutes in either Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles, or any of them, shall, from and after the Union, cease and become

become void, and shall be so declared to be by the respective Parliaments of the said kingdoms.

THIS celebrated treaty, which touched so deeply the interests of both kingdoms, and which made them one, by an incorporating and perpetual Union, will, while the British Empire endures, add a lustre to the reign in which it was accomplished, and will leave the wisdom of the Sovereign's Councils no less entitled to admiration, than the success and the glory of her arms. This great event gave a deadly wound to the body of faction at home; it added strength to the Protestant cause abroad; and, it set the valuable privileges of Britons upon a foundation of greater security, from the usurpations of supreme and of arbitrary power. By fixing the succession to the Crown of both kingdoms in the Protestant line, and by imparting to both nations the same commercial privileges, it removed the causes of intestine commotions, and of much rancour and fierceness of mind,

THOUGH the treaty was now ratified, the Union was not to take place till the first day of May. During that interval, the trading people of both nations saw presented to them an opportunity of making gain, which the principle of honour alone was too feeble to resist. As the Customs on merchandise in Scotland, were greatly lower than in England, great quantities of goods were, during

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the intervening period, imported into the Scottish kingdom, with an intention of carrying them afterwards, under the privileges of the Union, into the kingdom of England. * This sort of traffic was much encouraged by the tacksmen of the Scottish Customs, who allowed abatements to the merchants, in proportion to the quantities of goods which they imported. Neither were the English merchants less eager than the Scots, to avail themselves of circumstances which promised a speedy accumulation of wealth to Scotland, which, till the commencement of the Union, was to be considered as a foreign state. They exported great quantities of tobacco, for which they were entitled to a drawback of five pence *per* pound; and this they did upon the prospect of carrying the same merchandise back again into England after the first of May, and of being able to dispose of it as having already paid the duty to government. The merchants of London, who traded to Spain, to Portugal and Italy, and who were injured by these dishonourable proceedings, complained loudly of them, and represented their grievances to the English Parliament. The House of Commons warmly espoused their cause, and drew up a bill for the prevention of practices so unfair; but, though the bill passed through the House of Commons, it was rejected by the Peers, who were unwilling to irritate the Scots, by the enactment of a law which might be construed into an infringement of the articles of the Union.

ADDRESSES,

* Defoe, p. 2. Appendix, part 1. Smollet, chap. ix.

ADDRESSES, in approbation of the treaty of Union, were received from various parts of England; but the Scots observed a fullen and indignant silence upon the occasion. They were grieved at the loss of their ancient and independent honours, and were disposed, with arms, to reclaim and to recover them. * Had the enemies of Great Britain been as able as they were willing to have disturbed her internal tranquillity, a very favourable opportunity was now presented to them of doing so; but, fortunately, the treasures of France were exhausted, and with difficulty was her Monarch able to defend his own territories from the arms of the Allies. But, to cherish the temper of discontent among the Scots, Colonel Hooke was sent over from the Court of St Germain, and had conferences with many of the leading persons in the interest of the Pretender. The partisans of the House of Stuart among the Scots, were, at this time, divided in their opinions. One party among them, at the head of whom stood the Duke of Athole, were disposed to receive the Pretender without conditions, and without any considerable force, beyond that which the kingdom, upon his landing in it, was sufficient to supply. To this party, by the direction of the Duke of Perth, Hooke chiefly made his application, and by this procedure of distrust towards the other friends of the Pretender, defeated the success of his negotiations. Upon his return to

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France,

* Hooke's Negotiations, p. 70. and 106.

The Marechal of Berwick's Memoirs.

France, [July 29. 1707.] he delivered to Mr Chamillard, the French Minister, a long memorial, in which were described the resources and the temper of the Scottish nation. It was upon the information which he transmitted to the French Court, that the resolution was formed of sending the Pretender among the Scots. For conveying him thither, a fleet was next year, [1708.] sent out from the harbour of Dunkirk, and proceeded to the Frith of Forth, with an intention of landing some troops, with the Pretender at their head, upon the coast of Fife. The Count de Forbin, a celebrated sea-officer, had the command of this armament committed to him. An English squadron, under the command of Sir George Byng, pursued the French Admiral so closely, that it was not possible for him to set the Pretender on shore. In going out of the Frith, one of Forbin's squadron was captured, and the whole constrained, ingloriously, after this fruitless attempt, to return again to the harbour from which they had set out. Mr Voltaire has observed, that the French Monarch, in this expedition, had no serious intention of setting the Pretender on the Throne of his forefathers; he was only desirous of displaying by it, in the midst of misfortune, his magnanimity before the nations. *

[April 24. 1707.] THE Parliament of England was prorogued to the 30th of April, and afterwards, according to the power that was vested in her Majesty

* Le Siecle de Louis XIV.

jeſty by the Parliaments of both kingdoms, appointed, by proclamation, to be a part of the firſt Parliament of Great Britain, which was to meet on 23d October. The Court judged it proper to continue the fitting of that ſame Parliament which had concluded the Union, that it might cement, by its harmony and good will, the work which its wiſdom and affection for the preſent government had reared.

ON the concluſion of the Union, many of the Scottiſh Lords haſtened to Court, and were received moſt graciously by her Majeſty.* Some of them were advanced to new honours; the Marquis of Montroſe, and the Earl of Roxburgh, were created Dukes; a few of them were made Members of the Privy Council in England. And, that the Scots might not be diſguſted by too ſudden a change in the management of affairs, a commiſſion was iſſued for a new Privy Council in Scotland, which was to continue in force till the next Seſſion of Parliament. Other departments of the public adminiſtration among the Scots were continued alſo in the uſual form, until the advice of the Parliament of the united kingdom ſhould be obtained.† The civil liſt remained as formerly, and the army was ſubſiſted according to the old eſtabliſhment. The firſt day of May, on which the Union was to take place, was appointed to be obſerved as a day of public and general Thankſgiving, and was celebrated with much ſolemnity.

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* Tindal's Continuation, vol. 22. p. 180. Burnet.

† Defoe, Appendix, p. 8. part 1.

C H A P. IV.

Consequences of the Union of the two Kingdoms.—On the Trade and Revenue of Scotland.—The first Parliament of Great Britain.—Alterations made in some of the Laws of Scotland.—A new Ministry.—Law of Patronage restored in Scotland.—Opposition to the Malt Tax.—Heritable Jurisdictions in Scotland abolished.

WHEN the first of May arrived, on which the Union was to commence, [1707.] the Scottish merchants, relying on the privileges which had been stipulated for them in trade, imported into England great quantities of goods. About the middle of June, 40 sail of ships left the Scottish harbours with brandy, wine, and other merchandise for London. Upon their arrival in the river Thames, the ships and goods were seized as forfeited to government. * This being done with some degree of harshness, and appearing contrary to the spirit and stipulations of the treaty, loud complaints were made against it, as an infringement of the Union, which promised to the Scots a security of intercourse in trade within the limits of the united kingdom. The restraints and injuries to

* Defoe, Appendix, part 1. p. 6. Burnet. Oldmixon.

to which they felt themselves subjected, disposed the Scottish merchants to have recourse to the Convention of Royal Burghs, the natural guardians of their commercial privileges, and to beseech their interposition in their behalf. The Convention listened readily to their request, and addressed, in the most earnest manner, her Majesty, for the removal of those vexations and grievances, which were no less ruinous to individuals, than they were contrary to the immunities which the treaty bestowed upon the Scots. All that was obtained, after much delay and repeated deliberation was, that the Scottish merchants were permitted to land their goods, upon giving security that they would abide, upon the point, the decision of the first Parliament of Great Britain. With this condition, some of the merchants complied; others, more deeply touched with a sense of their injury, resolved to abide the judgement of Parliament. It was afterwards thought proper, for the removal of clamour and discontent, to allow the merchants to dispose of their goods; to commence against them, in the Court of the Exchequer, a prosecution for the recovery of duties, which, if necessary, could afterwards be completed. From further inconvenience and molestation they were afterwards relieved, by the interposition of the House of Commons, who were averse from stirring up more discontent and uneasiness in the minds of the Scots. *

UNFORTUNATELY,

* Tindal, vol. 22. p. 353.

UNFORTUNATELY, the management of affairs, regarding Scotland, at this period, was such as was but little calculated for reconciliation and content. The resentments of the Scots were rather encreased, by the little care which was taken, by the Lord Treasurer, timeously to appoint proper officers for raising the revenue, which was henceforth to fall under his management. From this neglect, the whole Scottish trade was thrown, for a considerable time, into a state of stagnation. Neither was the Equivalent, of which so many were to partake, remitted with due dispatch. These circumstances bred such a degree of animosity, that the Jacobites, encouraged by it, openly expressed their attachment to the Pretender to the British Crown ; and, in many places of the kingdom, which was protected only by a small army, celebrated his birthday.* The disappointed and the disaffected met together, and deliberated upon the measures, which it might be proper to adopt, for recovering the ancient honours and independent privileges of the nation, and so agitated was the general mind, that a small spark might have kindled a great conflagration, and spread it with ruin in its course to all the corners of the kingdom.

IN Scotland, the manner in which the duties of Custom and Excise were raised, was extremely inaccurate.

* Tindal, vol. 22. p. 318. *Memoirs of Scotland*, p. 343, and p. 345. Smollet, chap. ix.

accurate.* Worts were taken by guess, or upon the oath of the brewer. The officers of the Customs were equally unprepared for the orderly discharge of their duty as the officers of Excise. They were few in number; the coasts were extensive, and of easy access in many places; and they had no boats for visiting ships before they came into harbour. In these circumstances, their utmost diligence was not sufficient to restrain the illicit practices of the unfair trader. Under the old management, smuggling was carried on to a great extent, and it became more lucrative under the new. The additional temptation of gain, which the new duties afforded, encreased the evil, and, working with the favour of the country, rendered the smuggler exceedingly daring in the defence of his unlawful commerce. To remedy these evils, some persons were early sent among the Scots, to instruct them in the proper methods of ascertaining the duties of Excise. A board of Customs, and of Excise, were also established for the better management of the Revenue. The Commissioners of the Customs were, Sir Alexander Rigby, James Isaacson, Lionel Norman, Sir Robert Dickson, and the Honourable William Boyle. The Commissioners of the Excise were, Alexander Wedderburn, John Montgomery, John Whetham, David Ross, and Alexander Forbes. By an act of the first Parliament of Great Britain, the Court of Exchequer was formed anew upon the English model, and was to be guided in

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* Defoe, Appendix, part 1. p. 17.

its decisions by the law of England. The Earl of Seafield was made Lord Chief Baron. The other Barons were Mr Baron Clerk, Mr Baron Maitland, Mr Baron Smith, Mr Baron Scroop.

THE first Parliament of Great Britain assembled on the 23d October 1707. * The Scottish Lords took their seats in the Upper House, and each of them were introduced into it by two English Peers of the same rank. The Queen, in her speech to both Houses, expressed her thankfulness and satisfaction, on meeting, for the first time, the first Parliament of Great Britain, and doubted not but they came with hearts prepared, as her's was, to make the Union so prosperous, as to answer the well grounded hopes of all her good subjects, and the reasonable apprehensions of their enemies. The Scottish acts of Security, and of Peace and War, which had given such alarm and offence to the English, were rescinded. The Privy Council in Scotland, which, in former reigns, had been an instrument of great oppression and despotism, and which the Ministry for some time longer were willing to have continued, was abolished, and a new Privy Council for the whole island was appointed. Into this were admitted a few of the Peers of Scotland. A bill was brought in, and passed, for rendering the Union of the two kingdoms more complete. The same powers, by it, were committed to the Scottish Justices of the Peace, as were entrusted

* Smollet, chap. ix. Tindal, vol. 22. p. 327. Life of Queen Anne. Oldmixon.

trusted to the English. The act of the Scottish Parliament, which, in the reign of Charles II. appointed the Circuits of the Justiciary Court to be made through the kingdom twice every year, was a-new enforced, as its salutary regulations, on account of the remaining barbarity, and turbulence of the kingdom, had been much neglected.* Before the year 1672, the right of trying criminals in Scotland resided in the Justice General, and in the Justice Clerk, who was his assistant. By the regulations which were adopted under the reign of Charles II. the jurisdiction of the Justice General was greatly abridged; five of the Lords of Council and Session were appointed henceforth to be Judges in the Court of Justiciary, and to share with the Justice General, and the Justice Clerk, in their former ample powers.† Till the period of the Union, this Supreme Criminal Court sat for the most part at Edinburgh; and hence it was, that the difficulty of transporting prisoners thither, and the expence of prosecuting them, often put the guilty in security from the hand of justice, and filled with disorder the distant corners of the kingdom. It was also ordered, that, for the time to come, the writs for electing Members of Parliament from Scotland, should be directed to the Sheriffs of the respective counties; and that returns should be made in the same manner as in England. Such were the first fruits of an Union with that kingdom, where liberty,

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* Defoe, Appendix, part 1. p. 28.

† Present State of Scotland for 1738, p. 272.

berty, and its attendant blessings, had more early received an establishment, and law a regular and effective form, than in the kingdom of Scotland. By the law of Scotland, the jurisdiction of the Justiciary Court extended to the trial of treasons, as well as of other high crimes. The Scottish laws which described this crime, and which fixed the punishment of it, were too arbitrary and ill defined, and it was therefore judged proper, after the French had threatened to invade the kingdom, to make an alteration of these. It was enacted by Parliament, that persons who should henceforth be guilty of treason in Scotland, should be tried according to the forms of the English Law. [1709.] The same crimes which the English law declared to be high treason, or the misprision of it, were, in Scotland, to fall under the same denomination, and no other. * That torture of the criminal, by which the barbarity of former times had inhumanly endeavoured to extort a confession of his guilt, was forbidden; and no attainder for treason was to extend to the disinheriting of any heir, or to the prejudicing of the right or title of any other than the offender himself during life. To the accused, a list of the witnesses, who were to be produced on his trial, was to be given ten days before it, in the presence of two credible witnesses; a list also was to be delivered of the jurors, in which their names, professions, and places of abode, were to be described. A grand jury was to find the bill. The petty jury
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* Kaime's Statute Law, p. 386. Burnet.

was to consist of twelve, who were to be unanimous in their verdict; and the judges were to have no power in modifying the sentence, but were only to declare the law. According to the regulations which at this period were established, all trials, for the crime of high treason in Scotland, now proceed.

NEARLY at the same time, it was determined by the House of Peers, [1709.] that no Scottish Peer, created a Peer of Great Britain since the Union, should have a vote in the election of the Sixteen Peers from Scotland. This decision was occasioned by a claim of the Duke of Queensberry, who, in recompence of his distinguished services to his country and to his Sovereign, had been lately created a British Peer. This honour, he apprehended, did not preclude him from exercising all the rights of a Scottish Peer; but the House were of a different opinion, as they suspected, that the possession of such a privilege, would prepare a way for the employment of an undue influence in the election of the Peers from Scotland. It was also found, in the House of Commons, that the eldest sons of Scottish Peers, could not sit there as the representatives of the Commons of Scotland. This matter had been left by the Parliament of Scotland undetermined; but, upon the late election of the Lords Haddow and Johnston, to represent the shires of Aberdeen and Linlithgow, the matter was brought under the consideration of the Commons, and by them decided according to some former precedents, which appeared

appeared upon the records of the Parliament of Scotland.* The Commons of Scotland were jealous of the political influence of the Nobility, who, besides their extensive property, enjoyed, by the feudal constitution of the country, privileges which secured to their interference, a certain and an extensive respect. And it was upon this ground, that the election of the eldest sons of Scottish Peers, as representatives of the Commons, was now opposed. "It was argued by a Member of the House, that the character of a representative of the people, should be such as promised a faithful discharge of so great a trust, and that his inclinations ought to be accompanied with a sufficient capacity to serve the particular interest of his country; but that few in Scotland could be supposed to be in a condition to maintain this character; the Commons there, being surrounded with a numerous and powerful Peerage, who, like so many Sovereigns, judged and determined within their respective bounds, in criminal as well as civil matters, being vested with vast superiorities and heritable jurisdictions; so that no Commoner, holding any part of his lands of a Peer, or, indeed, being in his neighbourhood, could be reckoned to make a free election of his representative. And thus the Commons of Scotland, of which the majority of their Parliament consisted, had invincible arguments for preserving entire to themselves that necessary privilege

* Somers' Tracts, vol. 3. p. 78.

vilege of excluding their Peers eldest sons from being Members of that House." * But, though excluded from the privilege of representing, in Parliament, the Commons of their own country, at a period when the independence of the people was still less supported by commerce and by wealth than by the law, the eldest sons of Scottish Peers are, in consequence of the Union, made eligible by the Commons of England, who have not the same cause to be jealous of their encroaching influence.

CONNECTED with England by the same political interests, and by the same government, Scotland was henceforth, under the bond of the Union, to partake with her in all those revolutions of counsels and of administration, which, under the empire of freedom, the struggles of party never fail to produce. The Queen had now grown tired of that long and complete subjection, in which she had been held by the Duchess of Marlborough, a woman no less distinguished by the beauty of her person, than by the admirable talents of her mind, and who, by the ascendancy which she had over her Sovereign's affection, governed affairs at home, while her husband directed the operations of politics and war abroad. The Queen sought for a new favourite, and rested the confidence, which she had withdrawn from the Duchess, with Abigail Hill. The new favourite was employed by the adversaries of the Whig Administration, to
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* *Memoirs of North Britain*, p. 241.

alienate the mind of the Sovereign from the measures of those in power, and by her means a revolution was effected in all the chief departments of the government, [August, 1710.] which altered the face of affairs in Europe, and restored peace to the nations at war. * And thus, a little womanish resentment and pride, brought about easily an event, which the efforts of the ablest negotiators, a few months before, had in vain laboured to accomplish. The Parliament was dissolved, and a new one was called, in which the Tories exerted their utmost influence to secure a majority. Mr Harley, and the other new members of administration, found, that, in the House of Commons, matters could be managed according to their principles and views; but, that in the Upper House, a considerable difficulty remained in the way to the peace which they desired, and which now could be concluded with greater safety to the liberties of Europe, as the King of Spain, by the death of the Emperor Joseph, was called to occupy the Imperial dignity in his room. The Whiggish interest still prevailed in the House of Peers, and even some of the Tories were dissatisfied with the conditions on which it was said that peace was to be procured. In this situation of perplexity, the new ministry looked to the Scottish Lords for relief; and, until they should arrive, the Parliament was prorogued. To give the greater security and extent to their measures in the Upper House, the Duke of Hamilton was created Duke of

* Smollet, chap. x. Oldmixon. Life of Queen Anne.

of Brandon in England, and upon this recent honour, he claimed a seat as a British Peer. [1711.] But though his patent was supported by all the influence of the Court, it was not sustained.* And it was farther determined, that no Scottish Peer, created a Peer of Great Britain since the Union, had a right to sit in the House of Peers. This decision, which has lately been reversed, greatly enraged the Scottish Lords, who considered it as an insult offered to their order, and such an infringement of the Articles of the Union, as put them into a worse state than that of the Commons of Scotland. So deep was their resentment of this injury, that they withdrew for a time from attending their duty in Parliament. In this state of dissatisfaction and chagrin, they were not allowed long to remain. The Ministry, who had a reliance on their aid, and on the twelve new Peers which were at this period created, found out the means of soothing them, and of disposing them again to resume their seats in the House.

THE new Ministers of the Queen, were also zealous partisans of the English Church; and had their secret views in provoking and irritating the minds of the Presbyterians. [1711.] The Scottish Episcopal clergy, who were in general attached to the House of Stewart, and who, by the lenity of the government, in many parishes had been allowed to retain their benefices, were relieved from cer-

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* Smollet, chap. x. *Memoirs of North Britain*, p. 264.

tain penalties of the law. Upon taking the oaths to the present government, they were permitted to perform all the functions of their office without molestation from the civil magistrate, who was prohibited from executing the sentences of the Church judicatories. * The General Assembly of the Scottish Church remonstrated against this indulgence of the government, to persons who held principles extremely hostile to the Protestant succession; † but their remonstrances were not regarded. That the disobedience of the Episcopal clergy might be excused by the discontent of the Presbyterian, the oath of abjuration was required of both, as it was known, that, to both, for very different reasons, it would be equally unpalatable. To encrease still further the exasperation of the Presbyterians, an act was passed for discontinuing the Courts of judicature during the Christmas holidays; and another for restoring patrons to their right of presentation, of which they had been deprived after the Revolution, and for the loss of which they had been recompenced by getting an heritable right to their tithes. It is alledged that this last act was obtained for the purpose of introducing to the Church, persons who should not be adverse to that alteration in the succession to the Crown, which the present Ministry were intending to effectuate ‡ Under such repeated and exasperating provocation, the Scottish clergy loudly complained; and, in their addresses

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* Smollet, chap. x.

† Acts of Assembly, 1712.

‡ M'Pherson's Original Papers.

to the Sovereign, pleaded their known and tried loyalty and attachment to the present constitution, as merits which ought to have exempted them from those grievances, which no less violated the Union, than they disgusted a large body of her most faithful subjects. * “ If, said they, the matters in question did only relate to our own ease, and better accommodation, we should patiently bear the same ; but, when we see the glory of God, and the power and purity of our holy religion, and of the ordinances of Jesus Christ in this Church so much concerned, and the peace and quiet thereof, and of this whole country so visibly in danger, to the prejudice of your Majesty’s honour and government, we cannot but hope, that your Majesty will allow us to plead our just right, with that gracious liberty you are pleased to give the meanest of your subjects.” Far from redressing any of those hardships which had excited the complaints of the Scots ; the Tories, who now enjoyed their day of power, employed it in adding new fuel to the flame of former exasperation and disgust ; so that, under their management, the noble and salutary work of their predecessors in office, had nearly been thrown down into utter ruin !

[1713.] THE House of Commons having granted to the Crown an aid of two shillings in the pound, renewed, for another year, the duty on malt, and extended it to the whole island. The Scottish members

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* Acts of Assembly, 1712.—1736.

remonstrated against this measure, which they represented as an insupportable burthen upon their country, and contrary to that clause in the articles of the Union, which granted them an exemption from this tax during the continuance of the war. Both Peers and Commoners laid aside, on this occasion, their party distinctions, and united in one firm phalanx, for the relief of their country. They deputed the Duke of Argyle, who distinguished himself in the debates which followed upon this business, the Earl of Mar, Mr Lockhart and Mr Cockburn, to lay their grievances before her Majesty. This deputation represented, That the Scots bore, with great impatience, the violation of some articles of the act of Union, and that the laying such an insupportable burthen as the malt tax upon them, was like to raise discontents to such a height as to prompt them to declare the Union dissolved. * Her Majesty, who considered the Union as one of the most important events of her reign, observed, That their resolution was precipitate, and that she would endeavour to make all things easy. Finding no redress of their grievances at Court, the Scottish members of Parliament had recourse to the House of Peers. [June 1.] The Earl of Seafield there complained, "That the Scots were deprived of a Privy Council; that their Peers were rendered incapable of being made Peers of Great Britain; that they were subjected to the English laws in cases of treason; and, that they were now to feel the insupportable

* *Memoirs of North Britain*, p. 272.

portable oppression of the malt tax, when they had cause to look for the benefits of peace. He therefore moved, as the Union had not been productive of the good effects which were expected to arise from it, that leave might be given to bring in a bill for dissolving it, and for securing the Protestant succession in the House of Hanover." This motion was seconded by the Earl of Mar. It was opposed by the Lord North and Grey, and by the present partisans of the Court, who relied on the aid of many of the Scottish members in carrying forward the schemes in which they were now occupied. The Lord North and Grey stated the dissolution of the Union to be a matter that was impracticable; the complaints of the Scots to be groundless; and reflected severely upon the poverty of their country. The Earl of Eglinton allowed that the Scots were poor, but he contended, that their poverty ought to exempt them from the malt tax. The Earl of Isla remarked, 'That, according to the spirit of the treaty, the Scots had no ground to expect, that a British Parliament would ever lay upon them any imposition that was burthensome; that they were unable to pay the malt tax; and, therefore, was for dissolving a Union which had not answered the views with which it had been concluded. The Earl of Peterborough opposed the dissolution of the treaty, as in the present circumstances utterly impossible. " He had heard, said his Lordship, the Union compared to a marriage, and, according to that notion, it could not be broken, since it was made by the greatest power on earth. Though sometimes

sometimes a difference happened between man and wife, yet it did not dissolve the marriage. So, in like manner, though England, who, as to this national marriage, must be supposed to be the husband, might in some instances have been unkind to the lady, yet she ought not presently to sue for a divorce; the rather, as she had very much mended her fortune by the match. The Union was a contract, than which, nothing could be more binding." The Earl of Isla replied: "That if the Union had the same sanction as marriage, which was an ordinance of God, he should be for observing it with the same religious strictness; but he was of opinion that the difference was great." The Earl of Peterborough observed, "That the contract could not have been rendered more solemn than it was, unless, like the ten Commandments, it had come down from Heaven. He added some invectives against the Scots; they were a people, he said, that would never be satisfied; that coveted all the advantages resulting from the treaty, and would pay nothing willingly, though they had received from England more money than the amount of their whole estates in their own country." These invectives roused the indignation of the Duke of Argyle, and drew from him a spirited reply. "Some, he said, had reflected on him, as if he had acted from disgust, and had changed sides; but he despised their persons as much as he under-valued their judgments. He allowed that he had had a great hand in making the Union, and had promoted it with the intention of securing the Protestant succession;

succession ; but as that could now be secured without the Union, he was for dissolving it. He spoke as a Peer of England as well as of Scotland, and he believed in his conscience, that the dissolution of the treaty would be for the interest of both countries : If it should not be dissolved, he expected not long to have either property left in Scotland, or liberty in England. His Grace further affirmed, that the malt tax in Scotland would be unequal, though the same as in England ; even as the taxing of land by the acre would be very unjust, as the lands about London were worth five or six pounds the acre, and in many parts of the country not equal to the value of as many shillings. The same was the case between the Scots and English malt. The latter was worth three or four shillings the bushel, whereas the other was not worth one ; and, therefore, if the tax should be imposed on the Scots, it would be necessary to collect it with a regiment of dragoons." * The motion of the Earl of Seafield was negatived by a majority of four voices only. The great body of the Whigs were at this time inclined to have abolished a treaty which they had once forwarded with all the weight of their interest and their zeal ; but which was now made subservient to views widely different from those on which it was originally concluded. However, the same good Providence, which conducted it through many opposing circumstances to a successful termination, preserved it on this occasion from dissolution,

* *Memoirs of North Britain*, p. 276. *Smollet*, chap. x.

tion, to be to the generations that were to come, a source of many solid and substantial blessings.

COMMONLY the course of improvement in a kingdom, or among a whole people is but slow, and is often as much forwarded by emerging circumstances, as either by the wisdom, or the patriotism of those who have in their hands the chief management of affairs. Accordingly, though the advantages, in a commercial view, were great which the Scots derived from an Union with the English, yet the progress of their improvement was but slow, till it was quickened by a freer intercourse with their southern neighbours after the rebellion of 1745; and, in consequence of that event, by a deliverance from that feudal bondage, which the Union had left to subsist in all its slavish and degrading rigour. The Baron, the Nobleman, and hereditary Steward, were little Sovereigns within their own territory and jurisdiction, and could try, and condemn their vassals, without regarding the interference of the Crown. * In the Highlands of Scotland, particularly, the feudal customs retained the people in great subjection to their superiors, on whom they were dependent, and whom they dared not to disobey. In such circumstances, the Chieftains easily drew their dependents after them, and involved them in their quarrels. By the influence which they possessed over their followers, the

* *Craigii Jus Feudale*, lib. 3. dieg. 7. Robertson's *Hist. Scotland*, B. 1. p. 42.

the Highland Chiefs had twice been able to form a rebellion against their rightful Sovereign. To redeem the people from a state of dependence and subjection, which was equally inimical to their improvement and to their liberty, [April 7. 1747.]* a bill was brought into Parliament for abolishing Heritable Jurisdictions, and the tenure of Ward-holding in Scotland. These were to be restored to the Crown, and a compensation was to be made in money to the respective proprietors, for the rights and emoluments of which they were to be deprived.* Against this bill, several petitions were presented to the House of Commons, in which it was pleaded, that the proprietors of these jurisdictions had made no improper use of the powers which had been entrusted to them by the constitution of the country, and confirmed by the Union, and that, without some forfeiture on their part, they ought not to be deprived of them. These remonstrances were little regarded by the generous Minister who now directed the public business of the kingdom, and who was resolved to set free from oppression, those, who, under its

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* Journals of the House of Commons.

* The proprietors of Heritable Jurisdictions in Scotland, received, in compensation for their rights, from the British Parliament, the sum of L. 152,037. The sum of L. 182,963 was granted also in discharge of debts that were due upon the forfeited estates in Scotland; and these two sums, together with L. 111,422, expended in the making of roads through the Highlands, formed a circulating stock of cash in Scotland, which aided wonderfully the spirit of improvement and enterprize among the Scots.

rod, dared not to choose and to determine for themselves. The happy effects, to which the abolition of the Heritable Jurisdictions in Scotland gave rise, evinced the wisdom of the measure. From that period, the Scots began to act with more energy, and to display more industry and enterprize. Commerce, agriculture, manufactures, and literature, began vigorously to flourish. After the Rebellion of 1745, the government wisely endeavoured to spread among the people a taste for improvement, by giving to the tenants on the forfeited estates every encouragement to exertion. In a great part of the kingdom, the soil has been meliorated by better methods of cultivation than were formerly known; the face of the country has been greatly improved, and more abundant crops of corn raised from the grateful earth. The manufactures of the Scots have also rapidly advanced in their variety, in their extent, and in their elegance, and have rewarded with opulence, and with increased conveniences of life, the genius and the industry which set them forward. In all departments, new life and energy have been communicated to the mind. Science also, philosophy, and literature, have lifted up their heads in great glory, and have inscribed several illustrious names upon the rolls of fame. Robertson and Hume are among the first of modern historians, and are not excelled by any in point of elegance of expression, of perspicuity of arrangement, and of justness of remark. Their fame will endure while the English language continues to be known, and while

while there is any taste for literature. Reid and Fergusson are no less eminent as philosophers, than the former are as historians. The first of these has merited celebrity, for the accuracy which he has given to metaphysical disquisition and language, and for the foundation of truth, on which he has placed a science, that, from the days of Aristotle to his own, had served rather to retard than to aid the progress of knowledge. The latter is entitled to the high esteem of his countrymen, for his excellent system of moral science, in which are delineated, with great distinctness, the intellectual and moral powers of the mind, and in which sentiments abound that urge to activity and to high honour of life. Dr Adam Smith stands high in the general estimation as a philosopher, and as a politician. His book on the Wealth of Nations, unfolds a variety of important information for the merchant, for the landholder, and for those who have the management of the public affairs of a nation. To these, the names of many others might be added, who have done honour to their country by their literary labours, and it may be remarked, that few nations have been more eminently distinguished in all the departments of literature than the Scots, during the period to which we allude.

THE free intercourse which has taken place betwixt North and South Britons, since the Rebellion of 1745, has worn out among the Scots the temper of disaffection to the illustrious family of Hanover, which now occupies the British Throne. The

same Clans who formerly lifted up the standard of rebellion in support of a Pretender to the British Crown, now, with heroic ardour, fight the battles of their country, under a liberal and Protestant Prince. The British regiments are recruited from the hardy Sons of the North, who have cheerfully come forward, on different occasions, in defence of their country and the British constitution.* The descendants of those Chiefs, whom a blind attachment to hereditary right drew after the standard of rebellion, have become the zealous supporters of the Crown in the present illustrious line; and, in recompence of their loyalty and their valour, they have been restored to the estates of their forefathers. [1784.] From habits of intercourse, the two nations approach every day to a nearer resemblance in manners, sentiment, and language, and are surmounting every trace of national antipathy and variance which may still remain. The prayer of the Sovereign, in whose reign the Union of the two kingdoms was completed, is fast fulfilling; the two people are growing one in heart and in affection, as they are in government; and, if any rivalry shall still remain, it will be for the glory, for the freedom, and the prosperity of the whole British Empire.

C H A P.

* During the war, which commenced in the year 1755, Scotland is supposed to have furnished 70,000 soldiers and seamen for the fleet and army of Great Britain. Sir John Sinclair's Hist. of the Revenue, p. 357. It may be asserted, that an equal number have been furnished from the Highlands, in the American, and in the present war.

C H A P. V.

The Scottish and Foreign Coin called in, and re coined according to the English Standard.—State of the Trade and Commerce of Scotland.—The Herring Fishery.—Linen Manufacture.—Manufactures of Paisley.—Shipping of Leith.—Revenue of Scotland.—Price of Grain and Labour.—Manner of Living in Scotland.—Conclusion.

BY the sixteenth article of the Union, it was stipulated, that the coin, through the whole united government, was to be of the same standard as England; and that the losses which individuals should sustain by the adoption of this measure, should be repaid to them out of the Equivalent. The extreme poverty into which the Scottish kingdom had sunk, from the decay of trade, had caused a great scarcity of specie, and had raised the foreign coin, that was current in it, above its real value. The English shilling was current among the Scots for thirteen pence, and the guinea, which, at the period of the Revolution, had passed for twenty-two shillings, was now current for twenty-three shillings and eight pence Sterling.* Ducatoons, dollars,

* Defoe, Appendix, p. 30.

dollars, and French crowns, also contributed to form the currency in Scotland, and circulated at an encreased value. Such was the deplorable condition of commerce among the Scots, so small their wealth, and so depressed their credit, that, in the year 1700, the exchange betwixt Edinburgh and London, was, against Scotland, 15 or 16 *per cent*, and some times even more than that.* There was then but one bank in Scotland, which circulated in notes to the extent of 40 or L. 50,000; but all the aid which it gave, was not sufficient to supply the public exigency. The money in Scotland is said to have been not equal to one tenth part of the demand.† From such restrictions on industry and profitable exertion, the country has of late been fully redeemed, by the establishment of many private banking houses, which have furnished it with a very extensive medium of circulation and exchange, and have undoubtedly contributed not a little to the present remarkable encrease of wealth, and progress of improvement in the kingdom.‡

At a very early period, the coin in both kingdoms was of the same standard and fineness. ||

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* Law's Proposals for a Council of Trade.

† Lord Somers' Tracts, vol. 4. p. 367.

‡ Encyclopædia Brit. vol. 2. part 2. p. 780.

|| Ruddiman's Introduction to Anderson's Diplomata, p. 120. Translation. Anderson's Origin of Commerce.

The Scottish coin was current in the kingdom of England, and continued to be so until the reign of Edward III. [1355.] when it was prohibited upon an adulteration of it. The long and the fierce contests which the Scots had carried on with the English for the independence of their country, and the redemption of David II. their King, from captivity, had exhausted their wealth. To supply the necessities of the nation and of the crown, the value of silver money was heightened. The pound of silver was reduced ten-penny weight, and out of it were coined twenty-nine shillings and four pennies.* In the reign of Richard II. of England, the Scottish coin having, by the misfortunes of the kingdom, continued to decrease in its intrinsic value, was forbidden by that Monarch [1390.] to be received by his subjects at more than one half of the value of English money of the same denomination. At the accession of James VI. to the English Throne, the Scottish money had sunk to one twelfth of the English coin of the same name, and in that state it continued till the period of which we treat, when it was brought to the mint, and recoinced according to the standard of England.

Soon after the conclusion of the treaty of Union, a proclamation was issued for calling in the Scottish and foreign coin in circulation. [1707.] The foreign

* Ruddiman's Introduction, p. 126.

reign silver money, which was now, according to the order of the Privy Council, brought to the Bank of Scotland, and afterwards sent to the mint for recoinage, amounted to L. 132,080 : 17 : 10 Sterling. The Scottish coin, milled and struck by the hammer, which was brought to the same place, amounted together to L. 239,036 : 13 ; and the English milled coin, for the advanced value of which an Equivalent was returned, amounted to L. 40,000. The whole money, then in circulation in Scotland, is not supposed to have exceeded one million Sterling. * It is a proof of the increased wealth of the kingdom, that a sum of money, nearly equal to this, was, in the year 1783, sent out of it for the purchase of foreign grain, as the crop of the preceding year, from the inclemency of the season, had proved exceedingly defective. † This was an exertion, which the kingdom in no former period had been able to make. From the year 1695, four years of scarcity visited in succession the kingdom, and produced such an extremity of want, that 80,000 persons are supposed to have perished by its rigours. ‡ During that season of famine and of hunger,

* Smith's Wealth of Nations.

† It appears from the returns made to the Board of Customs at Edinburgh, that 182,171 and a half quarters of grain had been imported into Scotland from foreign ports, during the scarcity of 1783 ; and from England 298,890 quarters. Supposing the quarter of grain to be worth L. 2, the value of the whole will amount to L. 962,043.

‡ Enquiry into the reasonableness of an Union with Scotland, p. 124.

ger, L. 400,000 was expended for corn ; and this great sum, carried out of the country, affected materially the home circulation, and tended to raise the foreign coin that was current in it above its real value. *

THE failure of the Darien expedition, and the extreme rigours of scarcity which continued so long to afflict the kingdom, held the Scots, notwithstanding the return of liberty and of quiet, in that state of depression, to which their former civil and religious contentions had reduced them. At the Union, their commerce was not so flourishing and extensive as it had been in former times. Fife, it is said, alone, once sent forth more ships from its harbours, than all Scotland then did. † It employed annually 900 ships in the herring and cod fishing, which carried their cargoes to Holland, to Hamburgh, and to the coasts of the Baltic, and which resorted to the markets of England, France, Spain and Portugal. ‡ Anstruther Easter had 24 ships belonging to it, and sent annually 30 boats to the herring fishing on the coasts of Lewis. For the same purpose, 900 boats were annually fitted out from the Clyde, having four men each, and 24 nets. || From the accession of James VI. to the English throne, to the Union of the kingdoms,

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* Proposals for constituting a Council of Trade.

† Fletcher's Works.

‡ Present State of Scotland, 1738. p. 12.

|| Crawford's Hist. Renfrew, p. 2. and 3.

the commerce of the Scots seems considerably to have declined, and the unhappy progress which things made towards depression and poverty, diminished the population of the country. Before the Union of the crowns, in point of wealth, Scotland was considered as bearing to England the proportion of one to seven; and, in point of population, it was rated as one to four. At the Union of the kingdoms, Scotland was scarcely to be rated at one half of that proportion.* The plaidings and fingsams, manufactured in the country, produced annually a revenue of 100,000 rix dollars; but, in the year 1685, that trade with foreign nations had sunk to one half of what it formerly was. During the reigns of James VI. and of Charles I. the Scots were laid under no restrictions in trade, except with respect to a few articles of English product; but, at the Restoration, the confirmation of the Navigation Act put them in the situation of aliens, and deprived them of the valuable immunities which they had hitherto enjoyed, and by the aid of which their commerce flourished.† During the usurpation of Cromwell, essential injury was done to the commerce of the kingdom, by the rapacity of his troops who invaded it. Dundee was then considered as a place of some strength, and to it the merchants of the

* Enquiry into the reasonableness of an Union with Scotland, p. 80.

† Defence of the Scottish Settlement at Darien, and Representation of the Scottish Commissioners, 1667.

the neighbouring towns sent their most valuable effects, in expectation of remaining there secure from the ravages of the enemy. But nothing withstood the arms of this valiant and successful usurper; the town was taken by his victorious soldiers, and fifty sail of ships, loaded with the wealth of the adjacent places, added to the rich booty which they here received. The privates are said to have been enriched by it, and the fatal effects which that event produced in some of the neighbouring towns, are felt even to the present day.*

IN preceding times, the kingdom possessed no inconsiderable degree of naval reputation and strength. Its fleets were then sufficient for the protection of its commerce, and they were formidable to its foes. In contending for the freedom of his crown, Baliol fitted out a fleet, which met the English in the road of Berwick, and put them to flight, after eighteen of their ships of war had been sunk and destroyed. † Sir Andrew Wood of Largo, a celebrated Scottish naval officer, defeated also an English squadron in the mouth of the Tay. ‡ By the flourishing commerce of the nation, the Scottish fleets had become so powerful, that, in the war which the Emperor Charles V. waged with the French, the allies of the Scots, they were able

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* Oldmixon. Campbell's Survey.

† Abercrombie's Martial Achievements, 1295.

‡ Anderson's Origin of Commerce, 1489.

to confine the Dutch and Flemish privateers to their harbours, and to interrupt the commerce of the Netherlands. *

THE commerce of the Scots, while they formed a separate and independent state, was chiefly carried on with the Flemish, the Dutch, the Hamburgers, the French, and with those cities that were situated on the coasts of the Baltic. From Holland, they imported their grocery goods which they now receive from London. In return for the wool, the skins, leather, coals, and salted fish, which they carried thither, they brought back wrought iron, saddles, bridles, cart wheels, cloths of different sorts, earthen ware, and all sorts of household furniture. † Their staple was at Campvere, where they enjoyed peculiar privileges, and where a Court was established, for the determination of such commercial questions as might arise among the merchants. Upon the marriage of James I.'s daughter Mary, with Van Borselen, Lord of Campvere, it was carried thither from Bruges, where it formerly had been established. [1444.] Long did the Scottish factory continue to prosper at this favoured station; and, at one period, it appears to have possessed considerable wealth. For, to the assistance in money and in arms, which it gave to the malecontents in Scotland and in England, was,
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* Maitland's Hist. of Edinburgh, 1548.

† Present State of Scotland, 1738, p. 25. Anderson's Origin of Commerce.

in a great measure, owing the progress, which, with such steady, and vigorous steps, they made towards victory, over established monarchy and right, in the reign of the unfortunate Charles I. The supplies, which, at different times, the disaffected Scots received from the factory at Campvere, are reported to have amounted to L. 670,635 : 7 : 11 Sterling. It is said, that they supported also, at the same period, the distressed Protestants in Ireland; such was the greatness of their wealth, and the extensive nature of their munificence.* The great exertions which the factory then made, in behalf of the discontented, exhausted greatly its treasures; and the continued disturbances which harassed afterwards the Scottish kingdom, effectually prevented it from regaining its pristine opulence and prosperity.

To Norway, and the coasts of the Baltic, the Scots, previous to the Union of the kingdoms, exported great quantities of oat-meal, for which, by that treaty, they were to receive a premium of 2s. 6d. upon every quarter that was exported. This was deemed to be a very profitable trade, as they received bullion, or specie, for their oat-meal. Quantities of malt, some woollen manufactures, and salted beef, were exported also thither.†

BEFORE

* Guthrie's Memoirs, p. 54. and 55. Maitland's Hist. E. din. Yair's Trade of the Netherlands, p. 229, 236, and 257. 1643, and 1645.

† Present State of Scotland, 1738. p. 25.

BEFORE the period of the Union, the Scots were a favoured nation in France, and thither they carried great quantities of Scottish and of English wool, which was gathered together from the southern counties of Scotland, and on the borders of England, and afterwards was shipped on the Lothian coast, and exported to France. At the Union, the French markets were glutted with British wool. In return for the coals, wool, and fish, which the Scots carried to France, they brought back wines and brandy. So late as the year 1730, the Scots seem still to have been addicted to French wines. No Port wine was then consumed within the kingdom, and Claret, in the northern parts of it, could be purchased at 1s. 4d. the bottle. *

BUT no branch of commerce, to which the Scots turned their attention, promised to furnish them with such a fund of opulence, as the rich fishings which abounded on their coasts. Their situation, and the evident advantages which were to be derived from the successful prosecution of the fishing trade, invited them to turn their attention to it at a very early period. The pickling and the barrelling of salmon was known in Scotland from very remote times. At a period so distant as the year 836, the Flemings and the Dutch frequented the Scottish coasts, and bought from the Scots their salted fish. † And if no imprudent and illiberal restrictions

* Letters from a Gentleman in the North of Scotland, to his Friend in London, 1730.

† Anderson's Origin of Commerce.

restrictions had been laid upon their trade, it might have still continued to flourish, and to have added wealth and power to the kingdom. But the Dutch felt the hardships which these impolitic restrictions imposed, and unwilling to submit to them, they learned to catch and to cure fish for themselves. And thus a trade of immense value, gradually fell from the hands of the Scots, to whom it naturally belonged, into the hands of an industrious foreign nation, who are supposed to reap from it a profit of ten millions annually. In the prosecution of those great political measures, which respect the wealth or the power of a nation, it often happens, that one short-sighted and false step, brings after it irretrievable misfortunes, and a train of evil consequences, which the wisdom and exertion of future ages cannot easily resist or remove. This was remarkably the case with the Scottish fisheries. From the decay into which they were thrown, by the unwise restraints of a rude age, they have never recovered, neither have the endeavours of a wiser and more enlightened legislation, been able to restore them to their former prosperity.

To secure a proper supply of fish for the lieges, and to prevent fraud in raising the King's revenue, it was enacted by Parliament, that strangers, and others, should come to free burghs, and there make their merchandise: That strangers should not have liberty to buy fish, but such as were bar-
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relled and salted; and, that they should make no merchandise at the Lewis. * By a subsequent act of Parliament, merchants, and others, were prohibited from sending any white fish out of the realm, but strangers were permitted to come and buy them of merchants, or free men of burghs, with ready gold or silver, or by bartering merchandise, for the use of their own families only. † The same ruinous measures were pursued in the reign of James VI. ‡, by which the national prosperity was sacrificed to the benefit of a few selfish and interested men. Former acts of Parliament, which restricted merchandise to free burghs, were confirmed; and new regulations were enacted, by which strangers were forbidden to buy or sell, but at free burghs, and with free men; and no one might conduct, fraught, or pilot a stranger to the isles, but upon the pain of losing life, lands, and goods. Ships employed in the northern fishery, were required, under the penalty of L. 100, to bring back a third part of their cargo, to be exposed in the Frith, or in some staple and free burgh. Under these monopolizing laws, the best encouragements to industry and exertion were done away. The fisherman was deprived of that profit, for which he endured toil, and exposed himself to danger. Hence the trade languished and decayed, and enough of the bounty of Providence was not secured,

* James IV. Parl. 1. c. 3.

† James V. 7. Parl. Act 98.

‡ Parl. 7. c. 120.

secured, even for the home consumption of the kingdom. *

SOME attempt was made in the reign of Charles I. to revive this drooping trade. For that purpose, magazines were built in the Western Isles, but from that munificent undertaking, the attention of that unhappy Monarch was turned away, by the dissentions which every where troubled his dominions, and which finally bereaved him of life. When a more propitious state of affairs restored his son to the throne of his ancestors, he also pursued the same views, and, by favourable laws, attempted to recover to the nation, what the imprudence of former times had lost. The fishermen were secured from prosecutions and attachments for debt, during the fishing season, and they were permitted to build cottages in all places that were convenient, and to lay their herrings on shore, and pickle them at all ports and harbours, upon paying for each last twelve pence Sterling to the lord or owner of such ground. Charles II. had a share in the stock of the company; but his extravagant and prodigal expences constrained him to withdraw it. At this procedure, the merchants were much displeased, and withdrawing their respective shares in the stock of the company, left the trade in the same state of decay in which they found it. †

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* Proposals for constituting a Council of Trade, 1700.

† Present State of Scotland, 1738, p. 39.

STILL the restraints and the inconveniences to which the Scottish fisheries are subjected, prevent them from becoming that large fund of wealth, and that extended and regular nursery of seamen, which they might prove to the nation, were wiser and more liberal regulations adopted for their management. The persons who are the best situated for prosecuting to advantage the fishing trade, neither have the stock, nor the immunities and encouragements which are necessary for that great purpose. In the Western Isles of Scotland the fishermen, it is said, are not at liberty to labour for their own profit; and, when on shore, they have not convenient subsistence; neither have they materials upon which they can work, and prepare for continued and successful exertion.* Poverty and want, from which no activity, or prudence, or toil, can deliver them, continually depress their minds, and abridge the efforts, which otherwise would add comfort to their life, and encrease the industry, stock, and strength of the nation. Were the fishermen to labour for themselves, and not for an employer, which they generally do also in the Northern Isles,† and were salt afforded easily, and in convenient places, there can be no doubt, but that a spirit of enterprise, greater than is now felt, would immediately arise, and that the sweets of profit, once enjoyed, would prompt more steadily to application and to industry, than any bounty which can be given,

* Statistical account of Scotland, vol. x. p. 391.

† Statistical Account, vol. xvi. p. 436.

given, or regulation that can be made. * It is to be hoped, that the Society, lately formed for the encouragement of the British Fisheries, will exert themselves in setting, upon a proper foundation of freedom, a trade which is capable of producing inestimable benefits to the nation. The liberal policy of a Gentleman high in office, has delivered the northern parts of Scotland from the inconveniences to which they were subjected by the restraints that were imposed upon the coal trade. Were measures of equal liberality adopted for the easy and convenient distribution of salt to those employed in the fisheries, they could not fail to be attended with the happiest consequences. In the year 1753, when the bounty was first given, only eight vessels were employed, which caught 519 barrels. In 1796, 292 vessels were employed in the herring fishery, which were of 14,218 tons, navigated by 3328 men, and which caught 53,875 barrels of herrings. †

FROM the period at which civil and religious dissensions began to rage in the kingdom, to the Rebellion of 1745, the Scottish commerce was either neglected amidst the troubles of the nation, or advanced slowly under some unfavourable circumstances.

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* The regulations of the Custom-house, it is said, are a bar to the success of the fishing trade. The fisherman finds it too chargeable to go often to the Custom-house for the sake of his small cargo, and to observe all its regulations, and would give triple price for salt any where else. If he cures his fish with other salt, they are seizable. Statistical Account, vol. x. p. 408.

† Monthly Magazine, Feb. 1799. p. 21.

ces. From the year 1603, to the beginning of the eighteenth century, Scotland is said to have lost one third part of its inhabitants, and more than a half of its other value. * Oppression, war, religious bigotry, and persecution, had wasted the inhabitants; and much of the money of the country was carried to the capital of England, and was spent there by those who resorted thither in quest of amusement or preferment. Under Charles II. and his successor James, the Scots were rigorously fined and plundered by an avaricious and needy ministry; and the spirit of the nation was broken by the repeated indignities of arbitrary and despotic power. The failure of the Darien Settlement damped the reviving spirit of commerce after the Revolution; and, from the Union, to the abolishment of the Heritable Jurisdictions, the concourse of the nobility and gentry to the seat of government, the shackles of feudal servitude, and a want of stock, retarded the progress of the nation towards improvement, and chilled the genius of enterprise and of cultivation.

At last a happier æra hath arrived. A brighter sun has now broken forth upon the nation; and, under its cherishing influence, the improvements of the kingdom advance with a rapidity, and with a vigour, that is astonishing. The hand of industry is, in every place, adding something to the beauty and to the value of the country, and an increased wealth is adding to the comforts
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* Proposals for constituting a Council of Trade.

and the conveniences of all conditions. Manufactures have multiplied, and trade, become more extensive, flourishes under a burthen of taxes which our forefathers could not have borne. The linen manufacture, which has long flourished in Scotland, in the year 1728, amounted to the value of L. 103,312 : 9 : 3.* In the year 1759, the linen trade of the nation had encreased to the value of L. 451,390 : 17 : 3. In the year 1776, so rapid had its encrease been, and so great its extent, that the linen, stamped for the market, was equal in value to L. 710,633 : 8 : 8½.† The silk and linen manufactures of Paisley, have risen into great reputation, and furnish a dress of elegance and ornament to persons of the highest rank. At the period of the Union, the weavers, of all denominations, who were here employed, did not amount to more than sixty. Their number in the year 1757 had encreased to 1400. From that period, the manufactures of the place have continued to flourish exceedingly. The town is now enlarged much beyond its former bounds, and a great addition is made to the number of its industrious inhabitants. In the year 1773, no less than 12,175 industrious manufacturers were employed here in the silk and linen trade, and no less than 2232 looms. The value of their produce was estimated at L. 242,500.‡

BUT

* Postlethwait's Dictionary.

† Arnot's Hist. of Edinburgh.

Linen Cloth manufactured in Scotland during the year 1796, amounted to Twenty-three millions of yards. Mr Dundas's Speech in the House of Commons on the Irish Union.

‡ Weekly Magazine, April 1776.

BUT nothing can unfold more certainly the flourishing condition into which the trade of the nation has now risen, than the encreased number of ships which are employed by the merchants of Leith, which may be considered as the harbour of the capital, and which, before the Union, was the great mart of the Scottish commerce. Glasgow, which has now become so opulent, and which has extended its commercial intercourse to a great part of Europe and to the western world, had then but little connection with foreign nations. The small degree of intercourse which it then maintained with America, was carried on by the port of Whitehaven in Cumberland, as the Scots were shut out from a direct commerce with the colonies by the Navigation Act. The whole ships which belonged to the harbour of Leith in the year 1692, were only 29, capable of containing 1702 tons. In the year 1740, the shipping here amounted to 2628 tons. After the Rebellion of 1745, the trade of Leith began to flourish with fresh vigour. The ships which belonged to this harbour in the year 1752, were 68 in number; they were navigated by 621 men, and carried 6935 tons of burthen. In the year 1778, the ships employed in the trade of Leith were 96; they were navigated by 709 men, and contained 10,146 tons.* The present encreased

* The Shipping at Leith, during the year 1792, amounted to 18,000 tons. Mr Dundas's Speech in the House of Commons on the Irish Union.

Maitland's Hist. of Edinburgh. Arnot's Hist. and Anderson's Origin of Commerce.

encreased and growing state of the Scottish commerce, appears from the number of ships which entered the harbour of Leith from January 1796 to January 1797. They were no less than 2076. A considerable part of the Leith trade consists in the importation of goods from London for the Scottish market. For a certain period before the Union, the goods imported annually from England into Scotland, were in value equal to L. 65,355. The value of English goods imported to this country, is now said to amount to L. 2,000,000 annually; a sum double to the whole specie of the kingdom at the Union. *

THE growing commerce and improvement of the nation, furnishes also a great encrease of revenue to the British government. The revenue derived from Scotland, for the year 1788, is stated at 1,099,148 : 16 : 4½. The Scottish excise produced the sum of L. 340,056 : 10 : 5½, and the post-office, L. 55,836 : 13 : 6.† At the Union, the excise produced, as it was then farmed, L. 35,000, and the post-office, L. 1194. The whole Scottish revenue did not, as it was then collected, exceed the sum of L. 114,694; and, even if it had been managed with the utmost frugality and attention, would not have

* Knox's Tour through the Highlands. For porter and broad cloth, L. 200,000 given annually to the English Merchants. Loch on the Trade of Scotland, p. 67.

† Sinclair's Hist. of the Revenue, p. 351.

have exceeded the sum of L. 160,000. Under the management of the government, the post-office, in the year 1718, produced only L. 2000.* In the year 1730, the revenue gained from it was L. 5399; but, in the year 1757, it amounted to L. 10,623. Such was the miserable condition of the Scottish kingdom, in the year 1651, that the whole public revenue which could be drawn from it, is stated at L. 17,610:18:8.† Scotland was assessed by Cromwell at L. 6000 the month; but it does not appear that he could draw from it more than L. 37,690:19.‡ The ordinary revenue of Scotland, under Charles II. is stated at L. 90,000 annually. But so great, at this period, was the poverty of the Scots, that it is asserted, that scarcely thirty of the Scottish nobility possessed a free estate of L. 500 of yearly income. ||

THE additional stock of wealth, which the nation has acquired by its industry, has produced a most sensible alteration in the price of corn and labour. The average price of grain, within the county of Mid Lothian, where the capital of the kingdom is situated, for the space of seven years, previous to the Union, was, for the boll of wheat, 13s. 3d.; for the boll of oat-meal, which has long been the chief article of consumption with the industrious part of the people, 9s. 3d.; and, for the boll

* Anderfon's Origin of Commerce.

† Ruffell's Hist. of England, p. 475.

‡ Anderfon's Origin of Commerce, 1657.

|| State of the Nation, published by Wodrow, in his History of the Church of Scotland, vol. 1. Appen. p. 147.

boll of barley, 11s. 5d. The prices of corn, as fixed by the fiars of the county, for 1706, were, wheat, the boll, 8s. 10 $\frac{2}{3}$.; bear, 8s. 6d.; oats, 5s. 6 $\frac{2}{3}$.; meal, 6s. 8d.; and pease, 4s. 6d. Twenty years posterior to that period, a labourer might have been hired for 6d. *per day* *, which was then sufficient to purchase more than a peck of oat-meal, weighing 8lb. A labourer cannot be had this present year, 1797, for less than 16d. — He, in many cases, earns 18d. and 20d. *per day*. The fiars of the county, for 1796, were fixed at the following prices: *viz.* wheat, *per boll*, L 1:5:9, oats, 14s. 4d. meal, 15s. 6d. and barley, L 1:2:6. In consequence of this rise in the price of labour, the poorer ranks are better lodged, fed, and clothed, than they were in former times. So late as the year 1755, a man servant, in the county of Renfrew, received of wages, for one-half year, 20s. or 30s. He now receives L. 4 for the same term of service. †

THE alteration, which, in consequence of the Union, was produced in the manners, dress, and living of the Scots, is thus described by an author, who wrote twenty years after that great and important event. “ Where I saw the gentleman, lady, and children, dressed clean and neat, in homespun stuffs of her own sheeps growth, and womens spinning, I see, now, the ladies dressed in French or in Italian silks and brocades, and the

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* M'Intosh on the Improvement of Scotland.

† Crawford's Hist. of Renfrew, Part 2. p. 9.

laird and his fons in English broad cloth. Where I saw the table served in Scots clean fine linen, I see, now, Flemish and Dutch diaper and damask. And where, with two or three substantial dishes of beef, mutton, and fowl, garnished with their own wholesome gravy, I see, now, served up, several services of little expensive ashets, with English pickles, yea, Indian mangoes and catchup, or anchovy fauces.

“ THE expence of liquor, he adds, is as much encreased, as that of eating. For, in lieu of the good substantial large flaggon, or quart stoup, from the barrel, there comes, to the bye-table, a basket, or armful of bottles; and, if the ale is never so strong, old, or pale, it is seldom good for the second service, without a glass of claret; if the wine is not out or not bad, there must be at least bottles a-piece of it; or, if it is out, or bad, there must be a snaker of rack or brandy punch; and there, where I saw it go round in Scots quaighfulls of good wholesome ale; and, for the second part, in a glass of the lady's drawn waters.

“ WHEN I came to my friend's house in a morning, I used to be asked, if I had my morning draught yet? I am now asked, if I have yet had my tea? and, in lieu of the big quaigh, with strong ale and toast, and after a dram of good Scots spirits, there is now the tea kettle put to the fire, the tea table, and silver and china equipage brought in, with the marmalade, cream, and cold tea. In a word, all within

within and without doors are uniform, and alike expensive ; a greater number, and better dressed livery servants, more horses, and of higher prices, than I formerly used to see." * The above passage is curious, as it describes the modes in which our forefathers lived, and the changes which were introduced, by the intercourse with a more polished and opulent people. The same author relates, " That, previous to the Union, Edinburgh was more populous, and more frequented by the nobility, than it was after that period. Yet the consumption of all kinds of provisions was considerably increased. The butcher slaughtered two-thirds more than formerly, of all sorts of cattle. So trifling was the resort of the Scots to the flesh-market, or so little were they acquainted with the methods of feeding cattle, that no regular supply of fresh beef and mutton could then be obtained within the limits of Scotland. From Candlemas to June, no good flesh meat was to be purchased, even in the metropolis of the kingdom. During that season, such as were desirous of having good beef or veal, were obliged to bring it from Berwick." †

THE circumstances which have been stated, serve to shew, that whatever the Scottish nation, by the Union, has lost in point of dignity, by being deprived of the splendour of its Supreme Court, has been more than compensated, by a vigorous and

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* M'Intosh on the Improvement of Scotland.

† M'Intosh on the Improvement of Scotland, p. 132.

growing encrease of its cultivation, commerce, and wealth. And the security which that happy event hath given to the internal quiet of the island, and to the freedom of the British constitution, is a blessing which every true Briton will highly value. For he now lives under a form of government which affords a more ample security to life and liberty, and a more certain protection to property, than any other form of government which now exists, or than the boasted Republics of the ancients, which were held in continual agitation, either by the jealousy of the people, or by the ambition of the Chiefs. His best exertions will be employed for the maintenance of the invaluable privileges transmitted to him by his fathers, and his fervent prayer will be, that the same gracious Providence, which, by ways seemingly so intricate, conducted the course of affairs forward to the establishment of a constitution so eminently good, as that which distinguishes this island, may still watch over it, and preserve it from the hand of faction and of violence, to be the glory and the happiness of future times.

F I N I S.

APPENDIX.

A P P E N D I X.

No. I.

A C T

FOR THE SECURITY OF THE KINGDOM.

August 5th. 1704.

OUR SOVEREIGN LADY, the QUEEN's MAJESTY, with Advice and Consent of the Estates of Parliament, doth hereby STATUTE and ORDAIN, That, in the Event of Her Majesty's Death, or of the Death of any of Her Majesty's Heirs or Successors, Kings or Queens of this Realm; This present Parliament, or any other Parliament that shall be then in being, shall not be dissolved by the said Death, but shall, and is hereby REQUIRED and ORDAINED, if Assembled, to SIT, and ACT in manner after mentioned, notwithstanding of the said Death: And if the said Parliament be under Adjournment the Time of the said Death, it shall notwithstanding meet Precisely at EDINBURGH the Twentieth Day after the said Death, excluding the Day thereof, whether the Day of the said Adjournment be sooner or later. And it is further STATUTE and ORDAINED, That, in case there shall be no Parliament in being at the Time of the Death foresaid, then the Estates, or Members of the last preceeding Parliament, without regard to any Parliament that may be indicted, but never met or constitute, shall meet at EDINBURGH on the Twentieth Day after the said Death, the Day thereof excluded. And further Providing, That, in all, or any of the said Cases, if there shall happen to be
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any Vacancy of Members, by reason of Death or Promotion, the Barrons or Burghs concerned, shall have power to Choose and Supply the said Vacancy in the Accustomed Manner. As likewise, That in all, or any of the said Cases, no Person who hath been, is, or shall be then Papist, and hath not purged himself of Popery, by taking of the FORMULA set down in the Third Act of the Parliament One Thousand and Seven Hundred, before the said Death, shall be capable to be a Member of, or to Elect, or be Elected to the said Meeting of the Estates of Parliament. And SIMILARLY, That no Englishman, nor Foreigner, having a Scots Title, and not having an Estate of Twelve Thousand Pounds Yearly Rent within this Kingdom, shall in the Event foresaid have Place or Vote in the said Meeting of Estates. And the said Estates of Parliament appointed, in case of the Death foresaid, to Continue, or Meet as above, are hereby Authorized and Impowered, to Act and Administrate the Government in Manner after mentioned : That is, That upon the Death of Her Majesty, leaving Heirs of Her own Body, or failing thereof lawful Successors designed, or appointed by Her Majesty, and the Estates of Parliament, or upon the Death of any succeeding King or Queen, leaving lawful Heirs and Successors, as said is, The said Estates of Parliament are Authorized and Impowered, after having read to the said Heir or Successor the CLAIM OF RIGHT, and desiring them to accept the Government in the Terms thereof, to Require of, and Administrate to the said Heir, or lawful Successors, by themselves, or such as they shall Commissionate, the CORONATION OATH, and that with all Convenient Speed, not exceeding Thirty Days after the Meeting of the said Estates, if the said Heir or Successor be within the ISLE OF BRITAIN, or if without the same, not exceeding Three Months after the said Meeting, in order to their Exercising the Regal Power, conform to the Declaration of the Estates, containing the CLAIM OF RIGHT. And also, in case of the said Heir or Successor their being under Age, which, as to the Exercise of the Government, is hereby declared to be, until their Attaining to Seventeen Years Compleat, to Provide for, Order, and Settle, within the space of Sixty Days after the said Meeting, a Regency for the Kingdom, until the
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said Heir or Successor take the CORONATION OATH, and do actually enter to the Exercise of the Government. The Regent or Regents to be so appointed, always having the CLAIM OF RIGHT read to him or them, as above, and he or they taking, at his or their Entry, the CORONATION OATH, and to continue for such Space as the said Estates shall appoint. After the Entry of which Heir or Successor to the Exercise of the Government in Manner foresaid, or the settling of the Regency in case of under Age, the said Estates of Parliament shall only continue to Sit and Act for the Space of Three Months, unless they be sooner lawfully Adjourned or Dissolved by the said Heir or Successor being Entered, or by the Regent or Regents lawfully settled, as said is. And further, upon the said Death of Her Majesty, without Heirs of Her Body, or a Successor lawfully Designed and Appointed as above, or in the Case of any other King or Queen thereafter succeeding, and deceasing without lawful Heir or Successor, the foresaid Estates of Parliament Convened, or Meeting, are hereby Authorized and Impowered, to Nominate and Declare the Successor to the Imperial Crown of this Realm, and to settle the Succession thereof upon the Heirs of the said Successor's Body, the said Successor, and the Heirs of the Successor's Body, being always of the ROYAL LINE OF SCOTLAND, and of the true PROTESTANT RELIGION. Providing always, that the same be not Successor to the Crown of ENGLAND, unless that in this present Session of Parliament, or any other Session of this, or any ensuing Parliament during Her Majesty's Reign, there be such Conditions of Government Settled and Enacted, as may secure the Honour and Sovereignty of this Crown and Kingdom; the Freedom, Frequency, and Power of Parliaments; the Religion, Liberty, and Trade of the Nation from English, or any Foreign Influence, with Power to the said Meeting of Estates, to add such further Conditions of Government, as they shall think necessary, the same being consistent with, and noways derogatory from those which shall be Enacted in this, and any other Session of Parliament during Her Majesty's Reign. And it is hereby Declared, That the said Meeting of Estates shall not have power to nominate the said Successor to the Crown of this Kingdom in the Event above expressed, during the first Twenty Days after their Meeting; which Twenty Days being elapsed, they

they shall proceed to make the said Nomination with all Convenient Diligence. And it is hereby expressly PROVIDED and DECLARED, That it shall be High Treason for any Person, or Persons, to Administrate the CORONATION OATH, or be Witnessees to the Administration thereof, but by the Appointment of the Estates of Parliament in Manner above mentioned, or to Own or Acknowledge any Person as King or Queen of this Realm in the Event of Her Majesty's Decease, leaving Heirs of Her own Body, until they have sworn the CORONATION OATH, and accepted the Crown in the Terms of the CLAIM OF RIGHT: And in the Event of her Majesty's Decease, without Heirs of her Body, until they swear the CORONATION OATH, and accept on the Terms of the CLAIM OF RIGHT, and of such other conditions of Government, as shall be settled in this, or any ensuing Parliament, or added in the said Meeting of Estates, and be thereupon declared and admitted as above; which Crime shall be irremissible without Consent of Parliament. And because in the foresaid Interval of Twenty Days, betwixt the said Death and Meeting of the Estates of Parliament, in case there be no Parliament assembled for the Time, it is necessary that the Administration of the Government be provided for in that INTERIM: THEREFORE it is hereby Declared, that in case of the Death of Her Majesty, or of any succeeding King or Queen of this Realm; Then, in all or either of the Events above mentioned, the foresaid Administration shall be in the Hands of such of the Members of the Estates of Parliament, and such Members of the Privy Council last in being, as shall be at EDINBURGH the Time of the said Death, or shall come to EDINBURGH before the said Twentieth Day, and shall meet in the Parliament House there; Which Members of the Estates, and the said Members of the said Privy Council, are hereby impowered to SIT, and ACT in the said INTERIM, for preserving the Peace and Quiet of the Kingdom allenary, and till the said Meeting of the Estates, and no longer, Thirty of the said Members of the said Estates, and Members of the former Council being a QUORUM, the Plurality being always of the Estates, who were not of the former Council. And it is hereby further Statute and Ordained, that all Commissions granted to the Officers of State, Lords of Treasury and Exchequer, President of the Privy Council, and all other
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Civil Commissions that are now granted during pleasure shall, by the Decease of the King or Queen Reigning, become null and void, excepting Sheriffs, Stewarts, and Justices of Peace in their respective Bounds. And for a further Security of the Kingdom, Her Majesty, with the Advice and Consent foresaid, Statutes and Enacts, That the whole Protestant Heritors, and all the Burghs within the same, shall furthwith provide themselves with Fire Arms for all the Fencible Men, who are Protestants, within their respective Bounds, and those of the Bore proportioned to a Bullet of fourteen Drop Weight running : And the said Heritors, and Burghs, are hereby Impowered and Ordained to Discipline and Exercise their said Fencible Men once in the Month at least, the said Heritors always taking the Oath of Allegiance and Assurance : As also such Heritors or Fencible Men, who are suspect of Popery, are hereby appointed, when required, to take the FORMULA mentioned in the Act of Parliament One thousand seven hundred, and that before the Sheriff of the Shire, or any other Judge, within whose Jurisdiction they Reside. And it is hereby likewise STATUTE and ORDAINED, that upon the Decease of Her Majesty, or any of her Heirs or Successors, the Commissions of all Officers of the standing Forces above a Captain, shall immediately become void and null, and that the Captains of the several Troops and Companies, and Lieutenants of those who shall have belonged to the Colonels, Lieutenant Colonels and Majors, do continue to command their respective Troops and Companies, without extending their Command any further, under the pain of TREASON, till further Orders from the said Estates or Committee in the Interval. And further, Her Majesty, with Advice and Consent foresaid, REQUIRES and ORDAINS all Officers and Soldiers, who shall happen to be on daily Pay at the Time of the Decease foresaid, to continue in, or immediately repair to their respective Garrisons and Quarters, and not to remove from thence, but by Order of the said Estates, or Committee above mentioned, upon pain of TREASON. And Lastly, Her Majesty, with Advice and Consent foresaid, Rescinds, Cashes and Annuls, the seventeenth Act of the Session of Parliament One thousand six hundred and ninety-six Years, and all other Laws and Acts of Parliament, in so far as they are inconsistent with this Act.

No. II.

Act for a Treaty with England.

Sept. 21st. 1705.

THE ESTATES OF PARLIAMENT Considering, with what Earnestness the Queen's Majesty has recommended to them the settling of the Succession to the Imperial Crown of this Her Ancient Kingdom in the Protestant Line, failing Heirs of Her own Body: And also to enter into a Treaty with her Kingdom of ENGLAND, as the most effectual Way for extinguishing the Heats and Differences that are unhappily raised betwixt the two Nations: And in Prosecution of Her Majesty's Royal and Just Purpose, of having a TREATY set on Foot betwixt her two Independent Kingdoms of SCOTLAND and ENGLAND, without which these Things of great Consequence betwixt them cannot be accommodate: Therefore, Her Majesty, with Advice and Consent of the Estates of Parliament, doth ENACT, STATUTE and ORDAIN, that such Persons and QUORUM thereof, as shall be Nominate and Appointed by her Majesty under the Great Seal of this Kingdom, shall have full Power and Commission; LIKEAS, Her Majesty, with Advice and Consent foresaid, doth hereby give and grant full Power, Commission and Authority to the said Persons and their QUORUM, to convene and meet at such Time and Times, and in such Place and Places as Her Majesty shall please to appoint, to TREAT and CONSULT, with such Commissioners as shall be authorized by Authority of the Parliament of ENGLAND, of, and concerning an UNION of the Kingdoms of SCOTLAND and ENGLAND, and of, and concerning such other Matters, Clauses and Things, as upon maturer Deliberation of the greatest Part of the said Commissioners assembled as aforesaid, and the Commissioners to be Authorized by Authority of the Parliament of ENGLAND, according to the Tenor of their Commissions in that behalf, shall think necessary and convenient for the Honour of Her Majesty, the Common Good and Welfare of both the said REALMS for ever,

ever, and the said Commissioners for both the said Kingdoms shall, according to the TENOR of their respective Commissions, set down and reduce their Proceedings in the said Matter into three several WRITINGS and INSTRUMENTS, each of them to be subscribed and sealed by the said Commissioners, and their QUORUM, to the End that one of these WRITINGS or INSTRUMENTS may, in all Humility be presented to the Queen's Majesty, and another of the said WRITINGS or INSTRUMENTS to be offered to the Parliament of SCOTLAND, and the other of the said WRITINGS or INSTRUMENTS to be offered to the Parliament of ENGLAND, at their next Sessions to be held in each Kingdom *respective*, after such WRITINGS or INSTRUMENTS shall be subscribed and sealed by the said Commissioners, that thereupon such further Proceedings may be had, as by her Majesty, and both the said Parliaments, shall be thought fit and necessary, for the Well and Common Good of both the said Kingdoms: To which Parliaments the entire Consideration of the Whole, and the Allowing or Disallowing of the same, or any Part thereof, as they shall think fit, is wholly reserved. And it is further provided, That no Matter or Thing to be Treated of, Proposed or Agreed by the said Commissioners by Virtue of this Act, shall be of any Strength or Effect whatsoever, until it be first Confirmed and Established by Authority, and an Act of the Parliament of SCOTLAND. Providing also, That the said Commissioners shall not treat of, or concerning any Alteration of the Worship, Discipline and Government of the Church of this Kingdom as now by Law established.

No. III.

Act for securing the Protestant Religion and Presbyterian Church Government.

Jan. 16th. 1707.

OUR SOVEREIGN LADY, and the Estates of Parliament, considering, That by the late Act of Parliament for a Treaty with
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ENGLAND, for an Union of both Kingdoms, It is provided, That the Commissioners for that Treaty should not Treat of or concerning any alteration of the Worship, Discipline and Government of the Church of this Kingdom, as now by Law established. Which Treaty being now Reported to the Parliament, and it being reasonable and necessary, that the True Protestant Religion, as presently professed within this Kingdom, with the Worship, Discipline and Government of this Church, should be effectually and unalterably secured ; Therefore Her Majesty, with Advice and Consent of the said Estates of Parliament, Doth hereby Establish and Confirm the said True Protestant Religion, and the Worship, Discipline and Government of this Church, to continue without any Alteration to the People of this Land in all succeeding Generations ; And more especially, Her Majesty, with Advice and Consent foresaid, Ratifies, Approves, and for ever Confirms the Fifth Act of the First Parliament of King William and Queen Mary, Entituled, *Act Ratifying the Confession of Faith, and settling Presbyterian Church Government*, with the haill other acts of Parliament relating thereto, in Prosecution of the Declaration of the Estates of this Kingdom, containing the CLAIM OF RIGHT, bearing Date the Eleventh of April One thousand six hundred and eighty-nine ; And her Majesty, with Advice and Consent foresaid, expressly provides and declares, That the foresaid True Protestant Religion contained in the above mentioned Confession of Faith, with the Form and Purity of Worship presently in Use within this Church, and its Presbyterian Church Government and Discipline ; That is to say, The Government of the Church by Kirk Sessions, Presbyteries, Provincial Synods, and General Assemblies, all established by the foresaid Acts of Parliament, pursuant to the CLAIM OF RIGHT, shall remain and continue unalterable ; And that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of SCOTLAND. And further, for the greater Security of the foresaid Protestant Religion, and of the Worship, Discipline and Government of this Church as above established, Her Majesty, with Advice and Consent foresaid, STATUTES and ORDAINS, That the Universities and Colleges of St ANDREWS, GLASGOW, ABERDEEN, and EDINBURGH, as now Established by Law, shall

shall continue within this Kingdom for ever. And that in all time coming, no Professors, Principals, Regents, Masters, or others bearing Office in any University, College or School within this Kingdom be capable, or be admitted or allowed to continue in the Exercise of their said Functions, but such as shall own and acknowledge the Civil Government in manner prescribed, or to be prescribed by the Acts of Parliament. As also, That before, or at their Admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith, and that they will practise and conform themselves to the Worship presently in Use in this Church, and submit themselves to the Government and Discipline thereof, and never endeavour, directly or indirectly, the Prejudice or Subversion of the same ; and that before the respective Presbyteries of their Bounds by whatsoever Gift, Presentation or Provision, they may be thereto provided. And further, Her Majesty, with Advice foresaid, expressly Declares and Statutes, That none of the Subjects of this Kingdom shall be liable to, but all and every one of them for ever free of any Oath, Test or Subscription within this Kingdom, contrary to, or inconsistent with the foresaid True Protestant Religion and Presbyterian Church Government, Worship and Discipline, as above established : And that the same within the Bounds of this Church and Kingdom shall never be imposed upon, or required of them in any sort. And Lastly, That after the Decease of Her present Majesty (whom God long preserve) the Sovereign succeeding to Her in the Royal Government of the Kingdom of Great Britain, shall, in all time coming, at His or Her Accession to the Crown, Swear and Subscribe, that they shall inviolably Maintain and Preserve the foresaid Settlement of the True Protestant Religion, with the Government, Worship, Discipline, Right and Privileges of this Church, as above established by the Laws of this Kingdom in Prosecution of the CLAIM OF RIGHT. And it is hereby STATUTE and ORDAINED, That this Act of Parliament, with the Establishment therein contained, shall be held and observed in all Time coming as a Fundamental and Essential Condition of any Treaty or Union to be concluded betwixt the Two Kingdoms, without any Alteration thereof, or Derogation thereto, in any Sort for ever. As also, That this Act of Parliament,

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and Settlement therein contained, shall be Insert and Repeated in any Act of Parliament that shall pass for Agreeing and Concluding the foresaid Treaty or Union betwixt the Two Kingdoms ; and that the same shall be therein expressly declared to be a Fundamental and Essential Condition of the said Treaty or Union in all time coming.

No. IV.

Act anent Plantation of Kirks, and Valuation of Teinds.

Feb. 21st. 1707.

OUR SOVEREIGN LADY, and the Estates of Parliament, considering the great Prejudice that does redound to this Nation, through the Want of an Established and Fixed Judicature, which may Cognosce and Determine in such Causes and Things, as by former Parliaments were referred to their Commissions for Plantation of Kirks, and Valuation of Teinds, and through the Loss of the Registers of that Court, which were burnt in the late Fire, that happened in this Place : Therefore, Her Majesty, and the said Estates, do hereby Impower, Authorize, and Appoint the Lords of Council and Session to Judge, Cognosce, and Determine in all Affairs and Causes whatsoever, which by the Laws and Acts of Parliament of this Kingdom were formerly referred to, and did pertain and belong to the Jurisdiction and Cognizance of the Commissions formerly appointed for that Effect, as fully and freely in all Respects as the said Lords do, or may do in other Civil Causes : And particularly, but prejudice to the generality foresaid, to determine in all Valuations and Sales of Teinds, to grant Augmentations of Ministers Stipends, Prorogations of Tacks of Teinds, to Disjoin too large Parishes, to Erect and Build new Churches, to Annex and Dismember Churches as they shall think fit, conform to the Rules laid down, and Powers granted by the Nineteenth Act of the Parliament One Thousand Six Hundred and Thirty-three, the Twenty-third, and Thirtieth

eth Acts of the Parliament One Thousand Six Hundred and Ninety, and the Twenty-fourth Act of the Parliament One Thousand Six Hundred and Ninety-three, in so far as the same stand untepealed; The Transporting of Kirks, Disjoining of too large Parishes, or Erecting and Building of new Kirks, being always with the Consent of the Heritors of Three Parts of Four at least of the Valuation of the Parish, whereof the Kirk is craved to be Transported, or the Parish to be Disjoined, and new Kirks to be Erected and Built, the Minister in the mean Time to serve the Cure in the present Kirk of the Parish; And for that Effect, appoints the said Lords to Meet and Sit each Wednesday in the Afternoon during the time of Session, and to call and discuss the said Causes summarily, conform to a Roll to be made up and kept of the sament. And for supplying the lost Registers of that Court, Her Majesty, and the said Estates, do hereby Appoint and Ordain, That any Authentic Extracts from the said Records be brought in, and being presented to the said Lords, be Recorded in a particular Register, and that the said Extracts so brought in, be kept by the Lord Clerk Register, and his Deputes, Clerks to be appointed by him for that effect, as their Warrants, which shall be held and reputed as valid and authentic as the principal Warrants themselves, if the same were yet extant. And the Lord Register, and his Deputes, are ordained to give a new Extract gratis, to every Person that shall give in an old Extract, immediately upon Delivery thereof; And that Extracts from these new Records shall make the like Faith in Judgment and out-with the same, as the Extracts from the old Registers of the Commission were wont to do before the same were burnt. And further, Impowering the said Lords, upon such Evidents and Adminicles as they shall see Cause, to make up the Tenor of such Decrees in Manner above mentioned, whereof Extracts are admitting, and the Registers lost in the said Fire: Declaring hereby, That the Lord Register, and his Deputes to be appointed by him as said is, shall have the sole and only Power and Privilege of raising and subscribing of the Summonses and Diligences relating to the Affairs above written, the same always passing Her Majesty's common Signet as formerly: And also Declaring, That the Macers of Privy Council, who by their Gifts did attend

attend and Officiate before the said Commission of Parliament, shall continue to attend and Officiate before the said Lords of Session in the Matter committed to them by this Act, as they were in use to do before the Commission, and none else. And Lastly, It is hereby Declared, That this present Act and Commission shall be subject, nevertheless, to such Regulations and Alterations as shall be made by the Parliament of Great Britain.

No. V.

Act Settling the Manner of Electing the Sixteen Peers and Forty-five Commoners, to Represent SCOTLAND in the Parliament of GREAT BRITAIN.

OUR SOVEREIGN LADY Considering, That by the Twenty-second Article of the Treaty of Union, as the same is Ratified by an Act past in this Session of Parliament upon the Sixteenth of January last, it is provided, That by virtue of the said Treaty, Of the Peers of Scotland at the Time of the Union, Sixteen shall be the Number to Sit and Vote in the House of Lords, and Forty-five the Number of the Representatives of Scotland, in the House of Commons of the Parliament of Great Britain; and that the said Sixteen Peers, and Forty-five Members in the House of Commons, be Named and Chosen in such Manner, as by a subsequent Act in this present Session of Parliament in Scotland shall be settled: Which Act is thereby declared to be as Valid, as if it were a Part of, and ingrossed in the said Treaty. Therefore, Her Majesty, with Advice and Consent of the Estates of Parliament, Statutes, Enacts and Ordains, That the said Sixteen Peers who shall have Right to Sit in the House of Peers in the Parliament of Great Britain on the Part of Scotland, by virtue of this Treaty, shall be named by the said Peers of Scotland whom they represent, their Heirs or Successors to their Dignities and Honours, out of their own Number, and that by open Election and Plurality of Voices of the Peers present, and of the Proxies for such as shall be absent, the said Proxies being Peers, and producing a Mandate in Writing duly sign-

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ed before Witnesses, and both the Constituent and Proxy being Qualified according to Law : Declaring also, That such Peers as are absent, being Qualified as aforesaid, may send to all such Meetings, Lists of the Peers whom they judge fittest, validly signed by the said absent Peers, which shall be reckoned in the same Manner, as if the Parties had been present, and given in the said List. And in case of the Death, or legal Incapacity of any of the said Sixteen Peers, that the foresaid Peers of Scotland shall nominate another of their own Number in Place of the said Peer or Peers, in Manner before and after mentioned. And that of the said Forty-five Representatives of Scotland in the House of Commons in the Parliament of Great Britain, Thirty shall be Chosen by the Shires or Stewartries, and Fifteen by the Royal Burroughs, as follows, *viz.* One for every Shire and Stewartry, excepting the Shires of Bute and Caithness, which shall Choose one by Turns, Bute having the first Election ; The Shires of Nairn and Cromarty, which shall also Choose by Turns, Nairn having the first Election ; And in like Manner, the Shires of Clackmannan and Kinross shall Choose by Turns, Clackmannan having the first Election. And in case of the Death, or legal Incapacity of any of the said Members from the respective Shires or Stewartries above mentioned, to sit in the House of Commons, It is Enacted and Ordained, That the Shire or Stewartry who Elected the said Member, shall Elect another Member in his place. And that the said Fifteen Representatives for the Royal Burroughs be Chosen as follows, *viz.* That the Town of Edinburgh shall have Right to Elect and send one Member to the Parliament of Great Britain ; and that each of the other Burghs shall Elect a Commissioner in the same Manner, as they are now in Use to Elect Commissioners to the Parliament of Scotland : Which Commissioners and Burghs (Edinburgh excepted) being divided in Fourteen Classes or Districts, shall meet at such Time and Place within their respective Districts, as Her Majesty, Her Heirs or Successors shall appoint, and Elect One for each District, *viz.* The Burghs of Kirkwall, Wick, Dornoch, Dingwall, and Tayne, One ; The Burghs of Fortrose, Inverness, Nairn, and Forreß, One ; The Burghs of Elgin, Cullen, Banff, Inverury, and Kintore, One ; The Burghs of Aberdeen,

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Inverbervie, Montrose, Aberbrothock, and Brechin, One ; The Burghs of Forfar, Perth, Dundee, Cowper, and St Andrew's, One ; The Burghs of Crail, Kilrennie, Anstruther Easter, Anstruther Wester, and Pittenweem, One ; The Burghs of Dysart, Kirkcaldy, Kinghorn, and Burntisland, One ; The Burghs of Inverkeithing, Dunfermline, Queensferry, Culrofs, and Stirling, One ; The Burghs of Glasgow, Renfrew, Rutherglen, and Dumbarton, One ; The Burghs of Haddingtoun, Dunbar, North-Berwick, Lauder, and Jedburgh, One ; The Burghs of Selkirk, Peebles, Linlithgow, and Lanerk, One ; The Burghs of Dumfries, Sanquhar, Annan, Lochmaben, and Kirkcudbright, One ; The Burghs of Wigtoun, New-Galloway, Stranrawer, and Whitehorn, One ; And the Burghs of Ayr, Irvine, Rothesay, Campbeltoun, and Inverary, One. And it is hereby Declared and Ordained, That where the Votes of the Commissioners for the said Burghs, Met to Choose Representatives from their several Districts to the Parliament of Great Britain, shall be equal, In that Case, the President of the Meeting shall have a Casting or Decisive Vote, and that by and attour his Vote as a Commissioner from the Burgh from which he is sent, The Commissioner, from the eldest Burgh presiding in the first Meeting, and the Commissioners from the other Burghs in their respective Districts presiding afterwards by Turns, in the Order, as the said Burghs are now called in the Rolls of the Parliament of Scotland. And in case that any of the said Fifteen Commissioners from Burghs shall decease, or become legally incapable to sit in the House of Commons, Then the Town of Edinburgh, or the District which Choosed the said Member, shall Elect a Member in his or their Place : It is always hereby expressly Provided and Declared, That none shall be capable to Elect or be Elected for any of the said Estates, but such as are Twenty-one Years of Age compleat, and Protestant, Excluding all Papists, or such who being suspect of Popery, and required, refuse to Swear and Subscribe the FORMULA, contained in the Third Act, made in the Eighth and Ninth Sessions of King William's Parliament, entituled, *Act for preventing the Growth of Popery* ; And also declaring, That none shall be capable to Elect or be Elected to Represent a Shire or Burgh in the Parliament of Great Britain for this

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Part of the United Kingdom, Except such as are now capable by the Laws of this Kingdom to Elect or to be Elected as Commissioners for Shires or Burghs to the Parliament of Scotland ; AND FURTHER, Her Majesty, with Advice and Consent foresaid, for the effectual and orderly Election of the Persons to be Chosen to Sit, Vote and Serve in the respective Houses of the Parliament of Great Britain, when Her Majesty, Her Heirs and Successors, shall declare Her or Their Pleasure for holding the first, or any subsequent Parliament of Great Britain. And when for that Effect a Writ shall be issued out under the Great Seal of the United Kingdom, directed to the Privy Council of Scotland, conform to the said Twenty Second Article, STATUTES, ENACTS AND ORDAINS, That until the Parliament of Great Britain shall make further Provision therein, the said Writ shall contain a Warrant and Command to the said Privy Council to issue out a Proclamation in her Majesty's Name, requiring the Peers of Scotland for the Time, to Meet and Assemble at such Time and Place within Scotland, as Her Majesty and Royal Successors shall think fit, to make Election of the said Sixteen Peers ; And Requiring the Lord Clerk Register, or two of the Clerks of Session to attend all such Meetings, and to Administer the Oaths that are or shall be by Law required, and to ask the Votes ; And having made up the Lists in Presence of the Meeting, to return the Names of the Sixteen Peers Chosen, (Certified under the Subscription of the said Lord Clerk Register, Clerk or Clerks of Session attending) to the Clerk of the Privy Council of Scotland. AND SICKLIKE, Requiring and Ordaining the several Freeholders in the respective Shires and Stewartries, to Meet and Conveen at the Head Burghs of their several Shires and Stewartries, to Elect their Commissioners, conform to the Order above set down ; And Ordaining the Clerks of the said Meetings, immediately after the said Elections are over respectively, to return the Names of the Persons elected, to the Clerks of the Privy Council. And Lastly, Ordaining the City of Edinburgh to elect their Commissioner, and the other Royal Burghs to elect each of them a Commissioner, as they have been in use to elect Commissioners to the Parliament, and to send the said respective Commissioners, at such Times, to such Burghs within

their respective Districts, as Her Majesty and Successors, by such Proclamations, shall appoint, Requiring and Ordaining the common Clerk of the respective Burghs where such Elections shall be appointed to be made, to attend the said Meetings, and immediately after the Election to return the Name of the Person so Elected, (Certified under his Hand) to the Clerk of Privy Council; to the End, That the Names of the Sixteen Peers, Thirty Commissioners for Shires, and Fifteen Commissioners for Burghs, being so returned to the Privy Council, may be returned to the Court from whence the Writ did issue under the Great Seal of the United Kingdom, conform to the said Twenty Second Article. And whereas, by the said Twenty Second Article, it is agreed, That if Her Majesty shall, on or before the First Day of May next, Declare, That it is expedient, the Lords and Commons of the present Parliament of England, should be the Members of the respective Houses of the First Parliament of Great Britain, for and on the Part of England; they shall accordingly be the Members of the said respective Houses, for, and on the Part of England; Her Majesty, with Advice and Consent foresaid, in that Case only, Doth hereby Statute and Ordain, That the Sixteen Peers, and Forty Five Commissioners for Shires and Burghs, who shall be Chosen by the Peers, Barons and Burghs respectively, in this present Session of Parliament, and out of the Members thereof, in the same Manner as Committees of Parliament are usually now Chosen, shall be the Members of the respective Houses of the said First Parliament of Great Britain, for, and on the Part of Scotland: Which Nomination and Election being Certified by a Writ under the Lord Clerk Register's Hand, the Persons so Nominated and Elected shall have Right to Sit and Vote in the House of Lords, and in the House of Commons of the said First Parliament of Great Britain.

No. VI.

*Paper affixed upon the Cross at DUMFRIES, by those
who Burnt there the Articles of the Union.*

THESE are to Notify to all concerned, what are our Reasons for, and Designs in Burning the Printed Articles of the proposed Union with England, with the Names of the Scots Commissioners, Subscribers of the same, together with the Minutes of the whole Treaty betwixt them and the English Commissioners thereanent.

WE have herein no Design against her Majesty, nor against England, nor any Englishman, neither against our present Parliament, in their Acts or Actings, for the Interest, Safety and Sovereignty of this our Native ancient Nation, but to testify our Dissent from, Discontent with, and Protestation against the Twenty-five Articles of the said Union, subscribed by the foresaid Commissioners, as being non-consistent with, and altogether prejudicial to, and utterly destructive of this Nation's Independency, Crown-rights, and our constitute Laws, both Sacred and Civil: We shall not here condescend upon the particular Prejudices that do and will redound to this Nation, if the said Union should be carried on according to the Printed Articles, but refer the Reader to the Variety of Addresses given into the present Parliament by all Ranks, from almost all Corners of this Nation against the said Union; only we must say, and profess, that the Commissioners for this Nation have been either simple, ignorant, or, treacherous, if not all three, when the Minutes of the Treaty betwixt the Commissioners of both Kingdoms are duly considered, and when we compare their dastardly yieldings unto the Demands and Proposals of the English Commissioners, who, on the contrary, have valiantly acquitted themselves for the interest and safety of their Country. We acknowledge it is in the Power of this Present Parliament, to give Remissions to the Subscribers of the aforesaid Articles, and we heartily wish for a good Agreement

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ment among all the Members of the Parliament, so as it may tend to the Safety and Preservation both of Church and State, with all the Privileges belonging thereto, within the Kingdom of Scotland; but if the Subscribers of the foresaid Treaty of Union, with their Associates in Parliament, shall presume to carry on the said Union by a supreme Power over the generality of this Nation, then, and in that case, as we judge that the consent of the generality of the same, can only divest them of their sacred and civil Liberties, purchased and maintained by our Ancestors with their Blood; so we Protest, that whatever Ratification of the foresaid Union may pass in Parliament, contrary to our fundamental Laws, Liberties, and Privileges, concerning Church and State, may not be binding upon the Nation now, nor at any time to come; and particularly, we Protest against the Approbation of the First Article of the said Union, before the Privileges of this Nation, contained in the other Articles, had been adjusted and secured; and so we earnestly require, that the Representatives in Parliament, who are for our Nation's Privileges, would give timely Warning to all the Corners of this Kingdom, that we, and all Posterity, become not tributary, and bond Slaves to our Neighbours, without acquitting ourselves as becomes Men and Christians. And we are confident that the Soldiers, now in Martial Power, have so much of the Spirits of Scotsmen, that they are not ambitious to be disposed of at the Pleasure of another Nation; and we hereby declare we have no Design against them in the Matter.

No. VII.

The Humble Address of the Commissioners to the General Convention of the ROYAL BURGHS of this Ancient KINGDOM, convened the 29th of October 1706, at EDINBURGH, upon the great Concern of the Union betwixt SCOTLAND and ENGLAND;

HUMBLY SHEWETH,

THAT as by the Claim of Right, 'tis the Privilege of all Subjects to petition, so at this time being mostly impowered by our Constituents, and knowing the Sentiments of the People we represent, it is our indispenfible Duty to signify to your Grace, and Honourable Estates of Parliament, That as we are not against an honourable and safe Union with England, confifting with the Being of this Kingdom, and Parliaments thereof, without which we conceive neither our Religious, nor Civil Interests and Trade, as we now by Law enjoy them, can be secured to us and our Posterity, far less can we expect to have the Condition of the People of Scotland, without relation to these great Concerns made better and improved without a Scots Parliament; and seeing by the Articles of Union, now under the Consideration of the Honourable Estates, It is agreed, that Scotland and England shall be United into one Kingdom, and the United Kingdom be Represented by one and the same Parliament, by which our Monarchy is suppressed, our Parliament extinguished; and, in consequence, our Religion, Character, Government, Claim of Right, Laws, Liberty, Trade, and all that's dear to us, daily in danger of being encroached upon, altered, or wholly subverted by the English in British Parliament, wherein the mean Representation allowed for Scotland, can never signify in securing to us the Interests reserved by us, or granted to us by the English, and by these Articles, our Poor People are made liable to the English Taxes, which is a certain insupportable Burthen,

Burthen, considering that the Trade is uncertain, involved, and wholly precarious, especially when regulated as to Export and Import by the Laws of England, under the same Prohibitions, Restrictions, Customs and Duties: And considering that the most considerable Branches of our Trade are differing from those of England, and are and may be yet more discouraged by their Laws, and that all the Concerns of Trade and other Interests are, after the Union, subject to such Alterations as the Parliament of Great Britain shall think fit; we therefore supplicate your Grace, and the Honourable Estates of Parliament, and do assuredly expect, that you will not conclude such an incorporating Union, as is contained in the Articles proposed, but that you will Support and Maintain, the True Reformed Protestant Religion and Church Government, as by Law established, the Sovereignty and Independency of this Crown and Kingdom, and the Rights and Privileges of Parliament, which have been generously asserted by you in some of the Sessions of this Parliament; and do further pray, that effectual means may be used for defeating the designs and attempts of all Popish Pretenders whatsoever, to the Succession of this Crown and Kingdom, and for securing this Nation against all the attempts and encroachments that may be made by any persons whatsoever, upon the Sovereignty, Religion, Laws, Liberties, Trade and Quiet of the same. And we promise to Maintain, with our Lives and Fortunes, all these valuable Things, in Opposition to all Popish and other Enemies whatsoever, according to our Laws and Claim of Right.

SIGNED by Order, and in Presence of the Convention, by

SAM. M'LELLAN, *Preses.*

No. VIII.

The Humble Representation and Petition of the Commission of the GENERAL ASSEMBLY of this National Church,

HUMBLY SHEWETH,

THAT besides the General Address made by us for securing the Doctrine, Discipline, and Government of this Church, and now under your Consideration, which, with all Gratitude, we Acknowledge, there are some Particulars which, in pursuance of the Design of our said Address, we do with all Humility lay before your Grace and Lordships.

I. THAT the Sacramental Test being the Condition of Access to Places of Trust, and to Benefits from the Crown; all of our Communion must be debarred from the same, if not in Scotland, yet through the rest of the Dominion of Britain, which may prove of the most dangerous Consequence to this Church.

II. THAT this Church and Nation may be exposed to the further Danger of new Oaths from the Parliament of Great Britain, unless it be provided, that no Oath, Bond, or Test, of any Kind, shall be required of any Minister, or Member of the Church of Scotland, which are inconsistent with the known Principles of this Church.

III. THAT there being no Provision in the Treaty of Union for the Security of this National Church by a Coronation Oath, to be taken by the Sovereigns of Britain, they be engaged to maintain the Doctrine, Worship, Discipline, and Government of this Church, and the Rights and Privileges of it as by Law are now established.

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IV. THAT in Case the proposed Union be Concluded, the Church will suffer Prejudice, unless there be a Commission for Plantation of Kirks, and Valuation of Teinds, and making up the Registers of that Court that were burnt, and a Judicatory in Scotland for redressing Grievances, and Judging Causes which were formerly Judged by the Privy Council, such as the Growth of Popery, and other Irregularities, and with which Judicatory the Church might correspond about Thanksgivings and Fasts.

V. LIKEWISE, we do Humbly Represent, that, in the Second Part of the Oath of Abjuration, in Favour of the Succession in the Protestant Line, there is reference made to some Acts in the English Parliament, which every one in this Nation, who may be obliged to take the said Oath, may not so well know, and therefore cannot swear with Judgment; as also there seems to us to be some Qualifications required in the Successor to the Crown, which are not suitable to our Principles.

VI. AND, in the Last Place, in case this proposed Treaty of Union shall be concluded, this Nation will be subjected in its Civil Interest to a British Parliament, wherein Twenty-six Prelates are to be constituent Members and Legislators, and lest our Silence should be construed to import our Consent or Approbation of the Civil Places and Power of Churchmen, we crave, in all Humility, and due Respect to your Grace, and Honourable Estates of Parliament, to represent, That it is contrary to our known Principles and Covenants, that any Churchmen should bear Civil Offices, or have Power in the Commonwealth.

THESE things we Humbly Beseech your Grace and Lordships to Consider, and provide suitable Remedies thereto, and we shall ever pray, &c.

SIGNED in Name, in Presence, and at the Appointment of the foresaid Commissioners of the General Assembly.

WILLIAM WISHEART, *Moderator*.

No.

No. IX.

A Memorial of the LAIRD OF KERSLAND, Recorded in HOOKE'S Narrative of his Negotiations in SCOTLAND, and Delivered to Mr CHAMILLARD, 29th July, 1707.

THE Presbyterians are resolved never to agree to the Union, because it hurts their Consciences, and because they are persuaded that it will bring an infinite Number of Calamities upon this Nation, and will render the Scots Slaves to the English. They are ready to declare unanimously for KING JAMES, and only beg HIS MAJESTY that he will never Consent to the Union, and that he will secure and protect the Protestant Religion. The Declaration, with respect to Religion, ought to be in General Terms.

THOSE among the Presbyterians who are called Cameronians, will raise 5000 men, of the best Soldiers in the Kingdom; and the other Presbyterians will assemble 8000 more. They beg that the King of England would give them Officers, especially General Officers, and send them Powder, for they have Arms already. Whenever His Britannic Majesty shall have granted the preceding Demands, and shall have promised to follow his Supplies in Person to Scotland, they will take Arms against the Government, and will give such other Assurances of their Fidelity as shall be desired. Provided Powder be sent them, they engage to defend themselves in their Country with their own Forces alone, against all the Strength of England for a Year, till the Arrival of the King, and the Succours that he shall bring with him. They leave it to that Prince to bring with him such a Number of Troops as he shall think proper. They believe, however, that he will not have occasion for a great Number. They have a Correspondence with the North of Ireland, and they are certain that the Scots, who inhabit that Province, will declare for them.

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